



City of Jacksonville Beach

Amended Workshop Agenda

11 North Third Street
Jacksonville Beach, Florida

Planning Commission

Monday, January 13, 2025

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 Workshop of the Planning Commission.

CALL TO ORDER

ADMINISTER OATHS OF OFFICE

- A. Regular Member Justin Henderson
- B. Regular Member Debbie Cole
- C. 1st Alternate Dean Haddock
- D. 2nd Alternate Matthew Filer

ROLL CALL

NEW BUSINESS

- A. New Land Development Code Details Review and Discussion

PLANNING DEPARTMENT REPORT

ADJOURNMENT

NOTICE

If you are a person with a disability who needs an accommodation to participate in a meeting, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator by phone 904-712-6297 or submit an [Accommodation Request](#) to the ADA Coordinator as far in advance of the meeting as possible; preferably 7 days but no less than 2 business days, before the meeting. If you are hearing or voice impaired, please call Florida Relay at 711 for assistance.

In accordance with Section 286.0114, Florida Statutes, any member of the public may attend a 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 may 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 made part of the record. All comments received are public record.

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.



PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Heather Ireland, AICP Director, Planning and Development Department
DATE:	11/19/2024
SUBJECT:	New Land Development Code Details Review and Discussion Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, January 13, 2025 Planning Commission Meeting.

New Land Development Code Details Review and Discussion

OWNER: N/A

APPLICANT: Planning and Development Department

AGENT: Heather Ireland, Director
Planning and Development Department

LOCATION: N/A

REQUEST: **Review and Discussion of Chapter 34 of the City Code of Ordinances; New Land Development Code**

COMMENTS: In 2021, as part of the development of the City's first Strategic Plan, City Council identified the need to update the City's Land Development Regulations, which include the Comprehensive Plan and Chapter 34 of the City's Code of Ordinances, the Land Development Code. The Planning and Development Department (PD&D) began the process of updating these documents in 2022, working with a professional consultant on the project. Beginning in 2022, PD&D staff hosted five public workshops to collect information from the public, businesses, board members, and City Council members. In conjunction with the first round of public workshops, a project website was developed and documents posted for public review, including Frequently Asked Questions, Common Planning Terms, and Abbreviations and Acronyms. Five workshops were held in October and November 2022 to gather information from the community to guide the update of the land development regulations. The project website provided an additional opportunity to submit comments to the project team through a series of questions.

From February to May 2023, staff hosted three topic specific workshops with the City Council to discuss parking standards, zoning district standards, and



supplemental standards contained within the Land Development Code to focus on specific details contained within each and discuss changes proposed within each of those sections. Updated zoning and future land use maps were posted to the project website for public review. A second round of public workshops with the public, businesses, board members and City Council were held from May to June 2023. Proposed changes to the city's land development regulations were presented and discussed at these workshops.

In January 2024, a draft of the 2050 Comprehensive plan was posted to the project website for review, and workshops were held with board members and City Council members to review and discuss the draft. In April, City Council was updated on project status, and on April 22, 2024, the Planning Commission considered and recommended to City Council that the 2050 Comprehensive Plan be transmitted to the State for review. On May 20, 2024, the City Council voted to transmit the 2050 Comprehensive Plan to State Agencies for review pursuant to Florida Statutes. Staff transmitted the 2050 Comprehensive Plan to the State for review in June, and comments were received by the 30-day deadline in July. The State had no objections, but did preview six technical assistance comments, which staff coordinated with the reviewing planner to address to the State's satisfaction.

In August 2024, a final round of three public workshops was held to present and discuss specific proposed changes to the Land Development Code and solicit feedback and input from the community, board members and the City Council. Final Topics were discussed with the City Council at a briefing in November and a draft New Land Development Code was finalized by the Consultant in coordination with PD&D Staff. Staff is now ready to discuss the major changes with the Planning Commission prior to proceeding with an official recommendation to the City Council.

The 2050 Comprehensive Plan was adopted by the City Council on December 16, 2024. Staff will be seeking a recommendation from the Planning Commission at their regular meeting on January 27th to the City Council for the adoption of the New Land Development Code. Adoption hearings for City Council are scheduled for regular City Council meetings in February 2025.

ATTACHMENTS:

1. Comprehensive Plan-LDC Update Project Timeline
2. Land Development Code Final Topics
3. LDC Update Summary Table
4. COJB Land Development Code 01.07.2025 DRAFT

In accordance with Sec. 286.0105, Fla. Stat., any person who desires to appeal any decision made by the commission at this meeting will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Comprehensive Plan/LDC Update Project Timeline

2022 – Workshops (5) designed to collect a broad range of public input on a variety of topics

Website Live www.cojbupdate.com to provide information, collect comments and post resources

October 13 - Citizens Workshop Presentation

October 27 - BOA, PC, and CRA Workshop Presentation

November 3 - Business Owners Workshop Presentation

November 17 – City Council Workshop Presentation

December 1 – Staff Workshop / Discussion

2023 – Workshop (7) designed to summarize initial workshops, present concepts and collect input

February 23 – Parking Standards Workshop with Council

March 28 – Supplemental Standards Workshop with Council

May - Updated Zoning Map Posted to Website

May - Updated Future Land Use Map Posted to Website

May 1 – Zoning District Standards Workshop with Council

May 18 - Citizens Workshop Round II Presentation

May 24 - Business Owners Workshop Round II Presentation

May 31 - City Boards Workshop Round II Presentation

June 6 - City Council Workshop Round II Presentation

2024 – Workshops (2) designed to review draft document, answer questions and collect input

January - Updated DRAFT 2050 Comprehensive Plan Available on Website

January 10 - BOA, PC, and CRA Workshop Presentation on Draft

January 24 - City Council Workshop Presentation on Draft

February to March – Final Changes Made to Comprehensive Plan

April 8 – City Council Briefing Update

April 22 – Planning Commission Public Hearing

May 20 – City Council Public Hearing

June 4 – Transmitted to the State (10 working days from transmittal hearing)

July 4 – Deadline for State Response (30 days from transmittal)

2024 - Final Workshops designed to discuss detailed changes to the Land Development Code

August 14 – Citizen and Business Owner Workshop

August 22 – Board Members Workshop

August 28 – City Council Workshop

November 12 – City Council Briefing to discuss final LDC Amendment items

2024/2025 – Final Adoption of 2050 Comprehensive Plan and Land Development Code

December 16 – Final Adoption of 2050 Comprehensive Plan

December 16 – “Zoning in Progress” Ordinance to suspend certain applications

January 13 – Planning Commission Workshop to discuss final LDC Amendment items

January 27 - Planning Commission Recommendation to City Council on adoption of the LDC

February 3 – City Council First Reading of Ordinance to Adopt the LDC - *Scheduled*

February 18 – City Council Second Reading of Ordinance to Adopt the LDC - *Scheduled*

February through March – Staff and Board Member Training on new LDC

April 2025 – Resume processing suspended applications

LAND DEVELOPMENT CODE FINAL TOPICS FOR DISCUSSION

Existing Regulation	Original Recommended Change	Modified Recommended Change
Residential Lot Coverage		
35% max. for the lot	35% max. for primary structure 50% max. for the entire lot	35% max. for the primary structure and required driveway 50% max. for the lot
SF Residential Setbacks in feet (Front/Side/Rear)		
Front/Side/Rear RS-1: 25/10/30 RS-2 & RS-3: 20/15 total/30	Front/Side/Rear RS-1: 25/10/20 RS-2 & RS-3: 20/10 total/20	Front/Side/Rear RS-1: 25/10/30 for primary structure & 20 for covered patios and screen rooms RS-2 & RS-3: 20/15 total/30 for primary structure & 20 for unenclosed covered patios and enclosed screen rooms
Preservation of Residential Neighborhoods		
Specific commercial uses permitted by conditional use in residential zoning districts	Set conditions for commercial uses in residential zoning districts. Allow ADU's with single-family uses in multi-family zoning to maintain single family use. Better regulate boat storage. Lot size, parking, and max number of units for townhouses	Add to original recommendation: Adjustment of setback and lot coverage standards in SF zoning.
Townhouse Standards		
Exterior lots 25 feet/2500 s.f. Interior lots 15 feet/1500 s.f. Max of 6 in a row	West of 3 rd Street in RM-1: All lots 25 feet/2500 s.f. Max of 4 in a row East of 3 rd Street in RM-2: Exterior lots 25 feet/2500 s.f. Interior lots 15 feet/1500 s.f. Max of 6 in a row	All townhouse developments: All lots 25 feet/2500 s.f. min. Max of 4 in a row Stagger front yard setbacks by 3 feet for each unit Required one car garage and two parking spaces in driveway
Urban Single Family – New Product		
Currently does not exist as a residential product. “Townhouses” being built attached with breezeway.	Replacement for the townhouses with breezeways, which are attached single family per the FBC. Details TBD.	Urban Single Family permitted east of 3 rd Street in RM-2 and in CBD Max lot size 3500 sq.ft. Setbacks 20/10/20 or 15/10/15

LAND DEVELOPMENT CODE FINAL TOPICS FOR DISCUSSION

Existing Regulation	Original Recommended Change	Modified Recommended Change
Parking Exemption Zone Downtown CBD		
Currently does not exist	Eligible properties on the east side of 1 st St. N. between 1 st Ave. N. and 5 th Ave. N. would not be required to provide parking to renovate or redevelop.	Added: Properties on the west side of 1 st Street North between 1 st Ave N. and 5 th Ave N. that have primary frontage along 1 st Street. <i>Exempt from exemption: Hotels and Residential Uses</i>
Nonconforming Bars Downtown		
Bar to bar proximity distance minimum of 500 feet	Reduce the proximity distance minimum downtown to X number of feet to allow existing bars to remain and make improvements.	Retain the 500 feet proximity distance requirement for all bars city-wide. Allow non-conforming bars downtown only to remain and perform repairs and renovations with no limit on construction value unless abandoned or discontinued. Limit to no expansion in habitable area.
Accessory Dwelling Units (ADUs)		
Currently not permitted	Permit with single-family uses <u>only</u> in multi-family zoning districts <u>only</u> under specific conditions with conditional use approval.	No change proposed
Outdoor Storage and Display of Retail Merchandise		
Currently not permitted	Not discussed or brought up at any workshops.	Staff proposal: Outdoor storage and display of retail merchandise is limited to bicycles, plants, and outdoor furniture, limited to 200 sq. ft. in area, and only during a business's operating hours.
Balcony Encroachments for Residential Uses		
Currently not permitted	Two foot encroachment on all sides of a residential structure.	Two foot encroachment to the front and rear, and two foot encroachment to the sides only if the setback is at least 10 feet.
Parking Reductions Table		
Currently no options for parking requirement reductions other than a parking variance or payment in lieu of.	Options for parking reductions if certain criteria are met.	Added further clarification of types of parking and definitions provided.

LAND DEVELOPMENT CODE FINAL TOPICS FOR DISCUSSION

Existing Regulation	Original Recommended Change	Modified Recommended Change
Restaurants in the CBD		
Restaurants are permitted Outdoor restaurants are a conditional use.	No changes discussed	Indoor and outdoor restaurants are a permitted use. Indoor and outdoor bars remain a conditional use.
Non-Conforming Pole Signs		
Must be replaced when sign is removed or abandoned or when there is a substantial improvement to the structure	No changes discussed	Require that all non-conforming pole signs be replaced within <u>five years</u> of adoption of the code, and/or Require that all non-conforming pole signs be replaced when there is a change of tenant or owner. Research AB and NB Rules <i>Pole signs have been prohibited since 2010.</i>
A-Frame Signs		
Currently permitted Downtown only in CBD with criteria and limitations.	Not discussed	Staff proposal: Allow A-Frame signs in all commercial zoning districts with the same criteria and limitations as in CBD.
Short Term Vacation Rentals		
2018 code requiring single family, duplex, and townhouses to register with the city and complete an inspection.	Not discussed	Staff proposal: Amend STVR section to require ALL properties to register along with paying the local business tax annually. Limit occupancy to 12 (from 16). Prohibit the combining of multiple properties as rentals. Require a signed affidavit that all other licenses and registrations will be obtained by the owner.

LAND DEVELOPMENT CODE FINAL TOPICS FOR DISCUSSION

Existing Regulation	Original Recommended Change	Modified Recommended Change
Enforcement Proceedings and Penalties (Article XIII)		
In compliance with Statutes	Not discussed	Staff Proposal: Update violation language Minimum of 10 days to correct a violation (instead of 15) Add the ability of Code Enforcement Officer(s) to issue immediate citations for non-compliance for things like STVRs Develop a tiered citation fee schedule (must be approved by Council)

SUMMARY OF CHANGES TO LAND DEVELOPMENT CODE BY ARTICLE

Article I – General Provisions
Updated statutory references and dates.
Updated exceptions to public facilities standards to include RD Zoning (in addition to PUD Zoning).
Article II – Interpretation of the Land Development Code
Updated appeal process to remove Board of Adjustment actions.
Article III – Rules of Construction
Updated dates, references and definitions and moved to under Article II as Rules of Dev and Redev.
Article IV – Definitions
Updated existing definitions to be consistent with Florida Statutes, Florida Building Code, and industry standards.
Added new definitions as needed.
Deleted definitions no longer needed.
Article V – Decision Making and Administrative Bodies
Updated Planning Commission and Board of Adjustment sub-sections to update powers and duties, and move certain items to updated Bylaws to allow more flexibility on meeting dates and times specifically.
Removed sub-section on Hearing Officer, as it is no longer applicable and covered under Section 19.
Removed other positions if covered by another section of code.
Article VI – Development Review Procedures
Updated processes to ensure compliance with Florida Statutes, where applicable.
Updated noticing details to create consistency between different types of applications.
Created quick information tables on public notice and public meeting requirements.
Updated successive applications section to provide clarification.
Updated references to state reviewing agency. Changed “zoning atlas” to “zoning map” throughout.
Updated conditional use section by creating required criteria for specific conditional uses.
Updated standards language for variances to provide clarification.
Removed building permit section.
Article – VII Zoning Districts
Update permitted and conditional uses in each zoning district.
Updated minimum lot sizes, setbacks, and lot coverage for single-family zoning districts.
Removed two-family dwelling, and amended townhouses to be two or more units instead of three or more units in a row to be consistent with the FBC.
Limited townhouses to a maximum of four in a row, and increased minimum townhouse lot sizes and parking requirements.
Removed zero lot line single-family, and created a new use in RM-2 & CBD for urban single-family.
Added ADU’s as an allowable use in multi-family zoning districts with single-family properties with specific criteria for approval.
Added outdoor display of specific retail merchandise in commercial zoning districts as a permitted use.
Article VIII – Site Development Standards
Updated parking standards to be easier to calculate and more practical based on the use(s).
Created a Downtown Parking Exemption Area along pedestrian oriented First Street North.
Updated the parking space requirements table.
Created parking reduction incentives for businesses to include golf cart, bike, and compact car parking.
Updated payment in lieu of parking program to be easier to use.
Updated supplemental standards to provide more practical and meaningful standards.
Removed specific use conditions and moved to conditional use section.
Updated parking of heavy vehicles section to clarify details and requirements.

SUMMARY OF CHANGES TO LAND DEVELOPMENT CODE BY ARTICLE

Updated short term vacation rental section to decrease maximum occupancy and require all properties to register, now to include multifamily units.
Updated landscape standards to be easier to use.
Updated sign standards to allow A-frame signs at all commercial uses and created more opportunities to remove non-conforming pole signs.
Updated environmental standards to reflect any new state or federal requirements and clarify buffering requirements for estuary adjacent properties.
Article IX – Subdivision Standards
Changed concept plat to be an administrative process. Final plat will still require city council approval.
Article X – Public Facilities Standards
Updated to reflect changes to the Comprehensive Plan where applicable.
Article XI – Development Agreements
Updated to ensure consistency with Florida Statutes.
Article XII – Nonconformities
Increased maintenance and repair limit from 15% to 35% of the assessed building value.
Added sub-section for non-conforming bars in the downtown to allow increased maintenance and repairs, but not expansion or relocation with penalties for abandonment.
Added flexibility for non-conforming existing historic single-family homes to remain in place.
Article XIII – Enforcement Proceedings and Penalties
Added an allowance for immediate citations for certain violations, process and fees to be established later.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
TABLE OF CONTENTS

Table of Contents

ARTICLE I. GENERAL PROVISIONS	1
ARTICLE II. INTERPRETATION OF THE LAND DEVELOPMENT CODE	5
ARTICLE III. DEFINITIONS.....	8
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES	66
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES.....	74
ARTICLE VI. ZONING DISTRICTS.....	95
ARTICLE VII. SITE DEVELOPMENT STANDARDS	150
DIVISION 1. PARKING AND LOADING STANDARDS	150
DIVISION 2. SUPPLEMENTAL STANDARDS	164
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS	192
DIVISION 4. SIGN STANDARDS	205
DIVISION 5. ENVIRONMENTAL STANDARDS	233
ARTICLE VIII. SUBDIVISION STANDARDS	272
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS	282
ARTICLE X. DEVELOPMENT AGREEMENTS	301
ARTICLE XI. NONCONFORMITIES	307
ARTICLE XII. ENFORCEMENT PROCEEDINGS AND PENALTIES	310

ARTICLE I. GENERAL PROVISIONS

Sec. 34-1. General.

- (a) *Title and citation.* This chapter shall be known as the "Jacksonville Beach Land Development Code" and may be cited and referred to herein as the LDC.
- (b) *Authority.* The City Council of the City of Jacksonville Beach ("the City") has the authority to adopt the LDC pursuant to the Fl. Const. Article VIII, Sec. 2, F.S. § 166.21, et seq., the Jacksonville Beach Charter, F.S. § 163.3161, et seq., Florida Administrative Code (F.A.C.) Rule 9J-5 and Rule 9J-24, and such other authorities and provisions that are established in the statutory or common law in the State of Florida.
- (c) *Findings.* The City Council of Jacksonville Beach, Florida, hereby makes the following findings:
 - (1) Jacksonville Beach, pursuant to F.S. § 163.3161, et seq., the Florida Local Government Comprehensive Planning and Land Development Regulation Act (hereinafter the "Act"), is required to prepare and adopt a Comprehensive Plan.
 - (2) After adoption of the Comprehensive Plan, the Act, and in particular F.S. § 163.3202(1), mandates that Jacksonville Beach adopt Land Development Regulations that are consistent with and implement the adopted Comprehensive Plan.
 - (3) F.S. § 163.3194(1)(b), requires that all Land Development Regulations enacted or amended by Jacksonville Beach shall be consistent with the adopted Comprehensive Plan, and any Land Development Regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, shall be amended so as to be consistent.
 - (4) F.S. § 163.3194(1)(a), mandates that after a Comprehensive Plan has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by governmental agencies in regard to land under the jurisdiction of the Comprehensive Plan shall be consistent with the Comprehensive Plan.
 - (5) Pursuant to F.S. § 163.3194(3)(a), a development order and Land Development Regulations shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the visions, strategies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.
 - (6) F.S. § 163.3194(3)(b), states that a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with and further the visions, strategies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.
 - (7) On October 15, 1990, the City of Jacksonville Beach adopted the Jacksonville Beach Comprehensive Plan as its Comprehensive Plan pursuant to the requirements of F.S. § 163.3161 et seq., and FAC Rule 9J-5 which was then amended to the 2050 Comprehensive Plan and readopted on December 16, 2024.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE I. GENERAL PROVISIONS

- (8) The LDC is adopted to implement the Comprehensive Plan. It is consistent with the Comprehensive Plan, in part, because the land uses, densities, or intensities, capacity or size, timing, and other aspects of development permitted, further the visions, intents, strategies, land uses, and densities and intensities in the Comprehensive Plan, and meet all other criteria enumerated in the Comprehensive Plan.
 - (9) The LDC is also adopted to preserve and enhance the present advantages that exist in Jacksonville Beach; encourage the most appropriate use of land, water, and natural resources, consistent with the public interest; overcome present handicaps, and deal effectively with future problems that may result from the use and development of land; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewage, drainage, solid waste, parks, schools, fire and police facilities; conserve, develop, utilize, and protect natural resources; protect human, environmental, social, and economic resources; and maintain, through orderly growth and development, the community character and stability of present and future land uses and development in Jacksonville Beach.
- (d) *Purpose and intent.*
- (1) *Implementation of Comprehensive Plan.* It is the purpose of the City Council that the LDC implement and ensure that all development orders approved in Jacksonville Beach are consistent with the Comprehensive Plan.
 - (2) *Comprehensive and consistent regulations.* It is also the purpose of the City Council that the LDC establish comprehensive and consistent standards, regulations and procedures for the review and approval of all proposed development of land in the City of Jacksonville Beach.
 - (3) *Efficient and effective regulations.* It is the further purpose of the City Council that the development process under the LDC be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Jacksonville Beach. Through this intent, these regulations shall promote the health, safety, morals, and general welfare of the public.

(Ord. No. 7500, § 1.3, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-2. Relationship to Comprehensive Plan.

The adoption of the LDC is consistent with, compatible with and furthers the vision, intents, strategies, land uses, and densities or intensities in the Comprehensive Plan.

(Ord. No. 7500, § 1.2, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE I. GENERAL PROVISIONS

Sec. 34-3. Applicability.

The provisions of the LDC shall apply to the development of all land in the total area of the City of Jacksonville Beach, except as expressly and specifically provided otherwise in the LDC. No development shall be undertaken without prior authorization pursuant to the LDC.

(Ord. No. 7500, § 1.3, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-4. Minimum requirements.

The provisions of the LDC are the minimum requirements necessary to accomplish the purposes of the LDC and implement and ensure consistency with the Comprehensive Plan. As such, when these regulations impose a greater restriction upon the use of buildings or land, or upon height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Chapter shall control.

(Ord. No. 7500, § 1.4, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-5. Exceptions.

Unless otherwise stated in Article IX, Adequate Public Facility Standards, the following development orders shall be exempt from the terms of the LDC.

- (a) *Planned Unit Development and Redevelopment District.*
 - (1) The provisions of the LDC and any amendments hereto shall not affect the validity of any lawfully approved preliminary development plan for a planned unit development (PUD) or redevelopment district (RD) approved prior to the effective date of the LDC.
 - (2) The provisions of the LDC and any amendments hereto shall not affect the validity of any lawfully approved final development plan approved prior to the effective date of the LDC.
- (b) *Site plan.* The provisions of the LDC and any amendments hereto shall not affect the validity of any lawfully approved site plan approved prior to the effective date of the LDC if a building permit is issued for the site plan within six (6) months of the date of approval of the site plan.
- (c) *Special exception, variance, or conditional use.* The provisions of the LDC and any amendments hereto shall not affect the validity of any lawfully approved special exception, variance, or conditional use approved prior to the effective date of the LDC if a development order or occupational license is issued for the special exception or conditional use within six (6) months of the date of approval of the special exception, variance, or conditional use.
- (d) *Previously issued building permits.* The provisions of the LDC and any amendments hereto shall not affect the validity of any lawfully issued and effective building permit issued prior to the effective date of the LDC if:
 - (1) The development authorized by the permit has commenced prior to the effective date of the LDC or any amendment hereto, or will commence after the effective date of the LDC but prior to the permit's expiration or termination; and

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE I. GENERAL PROVISIONS

- (2) The development continues without interruption in good faith until development is complete. If the building permit expires, any further development shall be in conformance with the requirements of the LDC or any amendment.
- (e) *Existing uses.* All uses existing on the effective date of the LDC that are not permitted in the LDC shall be considered nonconforming under the terms of the LDC.
- (f) Buildings in existence or with approved construction permits or located in an adopted Planned Unit Development PUD Zoning District on or before the November 3, 2004 amendment to Section 52 of the Jacksonville Beach City Charter, 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 adoption of said Charter amendment.

(Ord. No. 7500, § 1.5, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2005-7899, § 1, 4-4-05)

Secs. 34-6—34-199. Reserved.

ARTICLE II. INTERPRETATION OF THE LAND DEVELOPMENT CODE

Sec. 34-200. Interpretations.

- (a) *Authority.* The Planning and Development Director or designee shall have the authority to make all interpretations of the text of the LDC and the official Zoning Map.
- (b) *Initiation.* An interpretation may be requested by any resident, landowner or any person having a contractual interest in land in Jacksonville Beach.
- (c) *Procedures.*
 - (1) *Submission of request for interpretation.* Before an interpretation shall be provided by the Planning and Development Department, a request for interpretation shall be submitted to the Planning and Development Department in a form established by the Planning and Development Department and made available to the public.
 - (2) *Determination of sufficiency.* Within fifteen (15) working days after a request for interpretation has been received, the Planning and Development Department shall determine whether the request is complete. If the Planning and Development Department determines that the request is not complete, a written notice shall be served on the applicant specifying the deficiencies. The Planning and Development Department shall take no further action on the request for interpretation until the deficiencies are remedied.
 - (3) *Rendering of interpretation.* Within fifteen (15) working days after the request for interpretation has been determined complete, the Planning and Development Department shall review and evaluate the request in light of the Comprehensive Plan, the LDC, and the official Zoning Map, whichever is applicable, consult with the City attorney, and then render an interpretation.
 - a. If there are any inconsistency between this Land Development Code and other enacted documents, the more restrictive regulations carry.
- (d) *Form.* The interpretation shall be in writing and shall be sent to the applicant by email or certified mail.
- (e) *Appeal.*
 - (1) Within thirty (30) days after issuance of a written interpretation by the Planning and Development Department, an applicant with standing may appeal the interpretation to the Circuit Court of appeals of Duval County, Florida.
- (f) *Official record.* The Planning and Development Department shall maintain an official record of the interpretations in the Planning and Development Department, which shall be available for public inspection during normal business hours.

(Ord. No. 7500, § 2.1, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2020-8133 , § 2, 3-2-20)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE II. INTERPRETATION OF THE LAND DEVELOPMENT CODE

Sec. 34-201. Rules of development and redevelopment.

Within the Land Development Code (LDC), the regulations herein shall be observed unless such regulation(s) would be inconsistent with the intent of the City's current Comprehensive Plan.

- (a) *Generally.*
- (1) All provisions, terms, phrases and expressions contained in the LDC shall be liberally construed for the true intent and meaning of the City Council, as established in the Comprehensive Plan, may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida and Florida Building Code for the same terms.
 - (2) In the interpretation and application of any provision of the LDC it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Where any provision of the LDC imposes greater restrictions upon the subject matter than a general provision imposed by the Comprehensive Plan or another provision of the LDC, the provision imposing the greater restriction or regulation shall be the enforceable regulation.
- (b) *Text.* In case of any difference of meaning or implication between the text of the LDC and any figure, the text shall take precedence.
- (c) *Computation of time.* Computation of time means the time within which an act is to be completed. Computation of time shall be computed by excluding the first and including the last day of said time frame. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
- (d) *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (e) *Non-technical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (f) *Exclusivity of uses in Zoning Districts.* The permitted uses, special exceptions, and conditional uses in the Zoning Districts established in Article VI, Zoning Districts, are exclusive, and shall be permitted subject to the standards and procedures of the LDC. If a use is not listed as permissible in a Zoning District, it is considered not permitted.
- (g) *Interpretation of uses in Zoning Districts.* The North American Industry Classification System (as amended) shall be used in interpreting whether a use not expressly identified as a permitted use or a conditional use in a Zoning District is sufficiently similar to those uses identified and should be considered as a permitted use or conditional use in the Zoning District.
- (h) *Interpretation of Zoning District boundaries.* Where uncertainty exists concerning boundaries of Zoning Districts as shown on the official Zoning Map, the following rules shall be used in the interpretation of the Zoning District boundaries.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE II. INTERPRETATION OF THE LAND DEVELOPMENT CODE

- (1) *Center lines.* Boundaries indicated as approximately following the center lines of streets, alleys or highways shall be construed as following such center lines.
- (2) *Lot, section and tract lines.* Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines.
- (3) *Political boundaries.* Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.
- (4) *Shorelines.* Boundaries indicated as approximately following shorelines shall be construed as following such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (5) *Parallel lines.* Where boundaries are approximately parallel to a street, highway, road, alley or railroad right-of-way, the distance of such boundaries from the property line of such street, highway, road alley or railroad right-of-way, shall be, unless otherwise shown by dimensions, one lot depth on lots facing said street, highway, road, alley or railroad right-of-way, or approximately one hundred fifty (150) feet, on acreage and tracts or on parallel lots, to the nearest lot line between lots to conform to adjacent district lines.
- (6) *Bisecting lines.* Where boundaries approximately bisect blocks, the boundaries are the median line of such blocks, between the center lines of boundary streets.
- (7) *Uncertainties.* Where the physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in case any other uncertainty exists, the Planning and Development Department shall interpret the intent of the official Zoning Map as to the location of boundaries.
- (8) *Street abandonments.* Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley.
- (9) *Excluded areas.* Where parcels of land and water areas have been inadvertently excluded from a Zoning District classification in any manner, said parcels shall be given a classification by the City Council that is consistent with the Comprehensive Plan. Such cases shall be processed in the same manner as petitions for amendments to the official Zoning Map.

(Ord. No. 7500, § 3.1, 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-203—34-299. Reserved.

ARTICLE III. DEFINITIONS

Sec. 34-300. General.

Terms in the LDC shall have the following definitions.

Abandon shall mean to discontinue a use for more than a specified period of time.

Abandoned sign means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An *abandoned sign* includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located. An *abandoned sign* includes a sign for a purpose for which the purpose has lapsed. If the abandoned sign is on a freestanding sign structure conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face shall be considered abandoned and only the sign face shall be removed. Any replacement sign face must comply with the city's LDC. However, if the abandoned sign is on a freestanding sign structure that is nonconforming with the City's LDC, then both the sign face and the sign structure shall be removed.

Abandoned vehicle shall mean any junked, discarded, or inoperable motor vehicle, including any boat, motorcycle, trailer and the like, with a mechanical or structural condition that precludes its ability for street travel or its intended use, or one that is dismantled, discarded, wrecked, demolished or not bearing current license tags. No such vehicle shall be parked or stored openly in any zoning district unless expressly permitted within that zoning district.

Abutting property shall mean any property that is immediately adjacent to or contiguous to the subject property.

Access, point shall mean a driveway or other opening for vehicles to enter from or exit to a right-of-way. An access point may include multiple ingress and egress lanes and a divider median provided that all features utilize the same apron.

Accessory building means a building which is detached from the main building on the lot and the use of which is subordinate or incidental to that of the main building. For residential districts and land uses, any structure containing a dwelling unit or units shall be considered a principal structure.

Accessory Dwelling Unit shall mean a detached accessory building, or portion thereof, that is used as an ancillary residential unit and is located on the same lot as the principal single-family dwelling. It has a separate kitchen, bathroom, and sleeping area, and it is intended for use by a separate family of occupants.

Accessory use or structure means a use incidental and subordinate to the principal use of a lot or building located upon the same lot. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building by an air-conditioned hallway of no more than 15 feet in length, it shall be considered a part thereof, and not an accessory building.

Acre, gross, means 43,560 square feet.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adequate public facilities means compliance with Article X, Adequate Public Facility Standards.

Adjacent shall mean next to or adjoining something else.

Adjacent landowner means an owner of land sharing a boundary with another parcel of land.

Adjoining in the context of land shall mean a lot or parcel of land, when the lot or parcel share all or a part of a common lot line. Adjoining in the context of structures shall mean two or more structures sharing all or part of a common wall.

Administration commission means the governor and the cabinet.

Administrator shall mean the City of Jacksonville Beach City Manager, or an administrative official of the City of Jacksonville Beach government designated by the City Manager to administer and enforce the provisions of this chapter.

Adult Living Facility (ALF) means any building or buildings, section of building, or distinct part to a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant F.S. § 400.407. A facility offering personal services, extended congregate care, limited nursing services, or limited mental health services for fewer than four adults is within the meaning of this definition if it formally or informally advertised to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services. This type of facility could be deemed to include Community Residential Homes, Group Homes, Residential Treatment Homes, etc.

Adult day care services means any building, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of a twenty-four (24)-hour day, the basic services which may include but are not limited to providing a protective setting, social activities, leisure-time activities, self-care training, rest, and nutritional services, to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

Adult entertainment or service facility means an adult bookstore, adult massage parlor, adult motion picture theater or adult dancing establishment.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, of real or personal property.

Affected person means persons owning property, residing, or owning or operating a business within the City of Jacksonville Beach, and local governments adjoining Jacksonville Beach that can demonstrate that an amendment of the comprehensive plan as proposed would produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written objections during Jacksonville Beach's consideration of a comprehensive plan amendment.

Affidavit attesting to subsequent receipt of certificate of public facilities reservation means an affidavit signed by the applicant that defers the application for a certificate of public facilities reservation until receipt of a final development order for the proposed development, acknowledging that future rights to develop the land are subject to the receipt of a certificate of public facilities reservation and acknowledging that no vested rights are granted by the City of Jacksonville Beach, or acquired by the applicant as it relates to the adequate public facilities standards of Article X, Adequate Public Facility Standards.

Aggrieved or adversely affected person means any person or local government which will suffer an adverse effect to an interest protected or furthered by the comprehensive plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large but shall exceed in degree the general interest in common good shared by all persons.

Alcoholic beverage means (as provided in F.S. § 561.01) distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

Alcoholic beverage establishment means any establishment devoted primarily to the sale of alcoholic beverages for consumption on or off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Alley means a roadway dedicated to public use or an approved private way, which affords only a secondary means of access to abutting property that is not intended for general traffic circulation.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another. In the case of a sign, alteration shall include any change of size, shape, illumination, position, construction, or supporting structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, dredging 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.

Animal hospital. See "Veterinary Service."

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

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

Applicant shall mean the title owner of record, or his/her authorized representative, of lands that are the subject of a request for a change in zoning classification, a use-by-exception, conditional use, a variance, an appeal, a waiver, a plat, an administrative variance, or any development permit.

Application for development permit means an application submitted to the City of Jacksonville Beach requesting the approval of a development permit.

Appraised value shall mean the value to an improvement or property as determined by the Duval County Property Appraiser or a licensed private appraiser in the manner provided by Florida law.

Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the City Council of the City of Jacksonville Beach for maintenance purposes.

Aquifer means a groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water.

Arbor shall mean a landscape element solely to support vines, branches or landscape elements, and which does not contain any type of solid roof.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of shallow flooding means a designated AO or AH Zone on the Jacksonville Beach Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Assessed value shall mean the value of an improvement or property as determined by the Duval County Property Appraiser or licensed appraiser in the manner provided by Florida law.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Attraction, means an indoor or outdoor spectator event or event which includes the sale of tickets and which is held at one or more facilities.

Automatic irrigation system shall mean an artificial watering system with a programmable controller or timing mechanism designed to automatically transport and deliver water to plants.

Automobile wrecking yard ("junkyard") means a lot or group of contiguous lots used for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or lots of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or resale shall constitute prima facie evidence of an automobile wrecking yard.

Automotive Service Station shall mean any facility that performs any type of automotive service or repair with more than two (2) work bays, or any facility that performs the rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles, regardless of work bays.

Auto Laundry means a structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles, but not including an incidental one-bay washing facility in a service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity is also considered to be an auto laundry.

Auxiliary dwelling unit means a one family dwelling unit subordinate in area to, and attached to a structure containing a listed permitted or approved listed conditional use. Minimum floor area of auxiliary dwelling unit is subject to Section 34-615: Residential, multiple family: RM-2 standards for multiple family dwellings.

Available school capacity means that portion of total public school capacity that remains available for the development proposal after the following are subtracted: Current student enrollment; those student stations reserved by a finding of available school capacity; and those student stations reserved for exempt development.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or *canopy sign* means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Balcony shall mean a platform enclosed by a wall or balustrade on the outside of a building, with access from an upper-floor window or door.

Bandit sign means the same as a *snipe sign*. See *Snipe sign*.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Banner shall mean a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any year.

Base flood elevation (BFE) shall mean the elevation shown on the FEMA flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AO, V1-V30, AND VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bedroom shall be as defined in F.S. § 381.0065, as may be amended, and means:

- (1) A room that can be used for sleeping and that:
 - a. For site-built dwellings, has a minimum of seventy (70) square feet of conditioned space;
 - b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of fifty (50) square feet of floor area;
 - c. Is located along an exterior wall;
 - d. Has a closet and a door or an entrance where a door could be reasonably installed; and
 - e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.
- (2) A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.
- (3) "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Bed and breakfast means a limited occupancy visitor accommodation facility consisting of a residential building or group of residential buildings containing a total of not less than four (4) and not

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

greater than ten (10) guest rooms and a manager's residence, where visitor occupancy is limited to a maximum of seven (7) consecutive days, where such lodging and a daily meal or meals are provided for compensation, and said meals are served only to resident guests of the inn. Bed and breakfast inns are limited to the adaptive conversion and reuse of, or reproductions of, historically or architecturally unique residential structures, which are compatible with the surrounding neighborhood.

Beer, wine and liquor are defined as provided in F.S. §§ 563.01, 564.01, 565.01, as those Sections may be amended or renumbered from time to time.

Best management practice (BMP) shall mean that methods that have been determined to be the most effective, practical and sound means to achieve an objective related to water supply, stormwater, vegetative, conservation or environmental resource management.

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Block means a parcel of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

Board of adjustment means the Jacksonville Beach Board of Adjustment.

Boarding (lodging) house means a building other than a hotel, where rooms are rented and meals may be provided for compensation. Please also see *Rooming and Boarding House*.

Boatyard means a facility for the construction or major repair of watercraft, including overhaul of hull, engines and other major components.

Bona-fide agricultural production means good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

- (1) The length of time the land will be so utilized;
- (2) Size of the land, as it relates to specific agricultural use;
- (3) Whether such land is subject to a lease, and if so the effective length, terms and conditions of the lease;
- (4) The intent of the landowner to sell or convert the land for or to nonagricultural purposes;
- (5) The productivity of land in its present use;
- (6) The classification placed upon such lands by the Property Appraiser pursuant to F.S. § 193.461;
- (7) The current zoning classification of such lands.

Bond shall mean any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in any amount and form satisfactory to the City Council. All bonds shall be approved by the City Council wherever a bond is required by this chapter.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

- (1) *Maintenance bond*: Upon issuance of the certificate of occupancy, or when required improvements are installed prior to recording the plat, surety may be required to be posted in the amount of one hundred (100) percent of the original engineer's estimate of the cost of improvements. The condition of this obligation is such that the city will be protected against any defects resulting from faulty materials or workmanship of the aforesaid improvements for a period of one (1) year from the date of any certificate of occupancy or completion.
- (2) *Performance bond*: When required improvements are installed after recording the plat, surety may be required to be posted in the amount of one hundred and twenty-five (125) percent of the engineer's estimate of costs.

Borrow pit means an excavation in the earth from which natural materials are removed for use off-site and a hole or pit is thereby created which has a depth greater than 15 feet as measured from the mean elevation of the uppermost rim of the excavation. An operation where earth materials are moved from one location to another on the same site shall not be construed to be a borrow pit usage even though a permanent pit may remain.

Boutique shall mean any retail and dining establishments selling clothing, specialty food goods, gifts, coffees and antiques, located in a freestanding building not more than two (2) stories in height and not containing more than two thousand (2,000) square feet on either floor.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer shall mean the required treatment of areas between different classifications of uses or incompatible uses. Buffers may incorporate the combinations of landscaping, open space or fences.

Buffer strip means a strip of land, identified on a site plan or by zoning ordinance requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

Buffering. See "Screening."

Buildable area means that portion of a lot remaining after required yards have been provided. Buildings may be placed in any part of the buildable area but limitations on the percentage of the lot which may be covered by buildings may require open space within the buildable area.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building code means the Florida Building Code.

Building height means the vertical distance between the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building; and either 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.

Building line means a line across a parcel of land that is the distance a structure must be set back from a lot boundary line, street center line or right-of-way, as defined in Article VII, Zoning Districts, for the zoning district in which the parcel is located.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Building official means the appointed individual in charge of the Building Division of the Jacksonville Beach Planning and Development Department.

Building permit means a permit required by the Florida Building Code for the construction of or addition to a structure, the installation of a mobile home, or a final development order for those improvements to land not requiring building permits or permits for mobile home installation. Building permits shall include those permits which allow the installation for location of a mobile home or a recreational vehicle to a site or lot.

Building, principal shall mean a building within which is conducted the principal use of the lot or property upon which the building is situated.

Building restriction line (BRL) shall mean the line(s) extending across the front, sides and/or rear of a lot or the property, as depicted on a platted lot of record. Buildings shall be contained within building restriction lines. Building restriction lines, which may require a greater building setback than the minimum yard requirement of the applicable zoning district, and which have been recorded upon a final subdivision plat approved and accepted by the City, shall be enforceable by the City.

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Bus Terminal means any premises for the storage or parking of buses or the loading or unloading of passengers, excluding public transportation service offered by a public entity.

Business or professional office means an office for such operations as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chambers of commerce, credit bureaus, abstract and title insurance companies, management consultants, stockbrokers and the like; or an office for the use of a person generally classified as a professional such as an architect, engineer, attorney, accountant, doctor, dentist, bail bond agent or agency, psychiatrist, psychologist and the like, building trades contractor or a business office for corporation headquarters and administrative functions of a business as long as the office limits its equipment to standard office equipment such as copiers, furniture, telecommunications equipment and the like and provided there is no on-site storage of nonoffice equipment, machinery, materials, vehicles or any equipment not associated with the office function of the business. No materials shall be used by the business other than office products. For the purpose of this Code, a barber or beauty shop shall not be deemed a business or professional office.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Caliper means the trunk diameter of existing or planted trees. Caliper shall be measured six inches above the ground for trees up to and including four inches in caliper, and measured 12 inches above the ground for trees exceeding four inches in caliper. If the tree has a very enlarged irregular base, then the caliper measurement shall be taken up where the trunk has a more regular circumference, but in no case higher than four and one-half feet above the ground. If the tree forks between ground level and two feet above ground level, then the tree shall be considered a multi-trunked tree. Caliper for multi-trunked trees shall be determined by measuring each trunk immediately above the fork and adding the total caliper of all trunks.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Camp or RV Park means a duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing travel trailers (recreational vehicles or motor homes). The development plan and all sanitary facilities of a travel park must conform to the requirements of the state and county health authorities.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Capital improvement shall mean physical assets constructed or purchased to provide, improve, or replace a public facility or public infrastructure. The cost of a capital improvement is generally nonrecurring and may require multiyear budgeting and financing. For these Land development regulations, physical assets which have been identified as existing or projected needs in the Capital Improvement Element in the City's Comprehensive Plan shall be considered capital improvements.

Capital improvement element ("CIE") means the capital improvement element of the comprehensive plan.

Car wash shall mean a facility used principally for the cleaning, washing, polishing, or waxing of motor vehicles, but shall not include any type of repair or servicing of motor vehicles or the dispensing of automotive fuels. Any parcel containing a car wash shall provide a minimum setback of 100 feet from the lot line of any parcel that is residentially zoned or used and shall be treated as a vehicle use area requiring landscaping in accordance with this code.

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

Cemetery shall mean land used or intended to be used for the burial of animal or human remains and dedicated for cemetery purposes and may include mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

CERCLA means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

Certificate of occupancy or certificate of completion shall mean that certificate issued by the City of Jacksonville Beach subsequent to final inspection by the building official verifying that all improvements have been completed in conformance with the requirements of this chapter, any final subdivision plat, and the approved construction plans and the Florida Building Code.

Certificate of public facilities reservation means a written determination, issued by the planning and development director, verifying the current availability of a minimum level of road, potable water, sanitary sewer, solid waste collection, stormwater management, and recreation and open space facilities to serve the proposed project concurrent with the development of that project pursuant to the requirements of Art. X, Adequate Public Facilities Standards.

Certified survey shall mean a survey, sketch plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared. Certified survey is inclusive of all types of surveys as may be required by these Land development regulations.

Changeable copy sign means a sign with the capability of content change by means of manual or remote input, including the following types:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

- (1) *Manually activated.* Changeable sign whose message copy can be changed manually on a display surface.
- (2) *Electronically activated.* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign.*

Change of occupancy means a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Change of Use shall mean discontinuance of an existing use and the substitution of a different use as classified by these Land development regulations. In the case of question regarding use, such use shall be determined based upon the Standard Industrial Classification (SIC) Code Manual issued by the United States Office of Management and Budget.

Character means any symbol, mark, logo, or inscription.

Child day care services means an establishment, licensed by the DCF, which provides non-resident day or night care for more than six (6) children on a fee basis. The term includes day nurseries, day care centers, day care agencies, nursery schools, or play schools, but not foster homes or community-based residential facilities.

Church means a building used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools and rectories, but not including day care centers, community recreation facilities, and private primary and/or secondary educational facilities.

City means the City of Jacksonville Beach.

City council means the City Council of the City of Jacksonville Beach, Florida.

Clinic, medical or dental means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of medical care, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopath, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Cluster housing means a residential development pattern with structures arranged in closely related groups such as around culs-de-sac, instead of spreading housing uniformly over a tract, where the remainder of the land is commonly maintained open space. Control takes place through zoning by density.

Coastal construction control line (CCCL) shall mean the line as determined by the Florida Department of Environmental Protection (FDEP) and regulated under authority of the Beach and Shore Preservation Act, Chapter 161, Florida Statutes, which is administered by the FDEP.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Coastal construction setback line means a line landward of the mean high water line at any riparian coastal location fronting the Atlantic coast shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes and the like. No construction in this area shall be allowed unless a permit is obtained from the DEP.

Coastal High Hazard Area (CHHA) - The Coastal High Hazard Area (CHHA) for Jacksonville Beach shall consist of the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model (Sec. 163.3178(2)(h), F.S.) as depicted in the 2050 CHHA Map.

Code shall mean the Municipal Code of Ordinances for the City of Jacksonville Beach, Florida.

Code enforcement board means the board appointed and vested with the authority to enforce local codes and ordinances pursuant to F.S. Ch. 162.

Code enforcement officer, official or inspector means any designated employee or agent of the City of Jacksonville Beach whose duty it is to enforce codes and ordinances enacted by the City of Jacksonville Beach.

Collective registration means a short-term vacation rental registration certificate issued by the City of Jacksonville Beach to a licensed agent who represents a collective group of short-term vacation rental units found on separate locations. A collective registration may not be issued for more than seventy-five (75) short-term vacation rental units per registration certificate.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial fertilizer applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Commercial message means any sign wording, copy, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment or other commercial activity.

Commercial vehicle means any motor vehicle licensed by the state as a commercial vehicle, any vehicle designed for a commercial or industrial function, or any vehicle marked with commercial advertising.

Common ownership means a shared interest in real property by the same person, or any persons related by marriage or blood within an immediate family including parents, spouses, siblings and children.

Communication tower means a tower which supports communication equipment (such as Radio, TV or Telecommunications for either transmission or receiving). The term "communication tower" shall include amateur radio operators' equipment, including citizen's band (CB), VHF and UHF Aircraft/Marine, and other similar operators. Design examples of communication towers are described as follows: (i) self-supporting lattice; (ii) guyed; and (iii) monopole.

Community center means a building or land open to the public and used for recreational, social; educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Compatibility shall mean a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Compatibility setback ("buffer") means a strip of land used to visibly separate one (1) use from another or to shield or block noise, light, or other nuisances.

Completely enclosed building means a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior walls or party walls which are pierced only by windows and normal entrance or exit doors.

Comprehensive Plan - The comprehensive plan is the guiding document of the City, required per State Statutes, that establishes the visions, intents and strategies for the future economic, social, physical, environmental and fiscal development of the City that reflects community commitments to implement the plan and its elements.

Computation of time. Computation of time means the time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

Concurrency service area or CSA means the area within the corporate limits of the City of Jacksonville Beach, Florida.

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.

Conditional use means a use which is generally not compatible with the other land uses permitted in a zoning district, but with individual review and control of its location, design, configuration and intensity and density of use, buildings and structures, and the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, may be permitted in the zoning district as a conditional use pursuant to the procedures and standards of Section 34-546, et seq.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conservation-Protected – All undeveloped estuarine wetland areas, any undeveloped area within a fifty-foot strip upland of the designated estuarine wetland area, the sandy portion of the beach, and any areas landward of the sandy beach designated by the Federal Emergency Management Agency as lying within a V or velocity coastal hazard zone.

Conservation-restricted land means all designated palustrine or upland wetland areas and any areas designated by the Federal Emergency Management Agency as lying within an A or special flood hazard area.

Construction, actual or start includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Construction plans shall mean the construction and engineering drawings, specifications, tests and data necessary to show plans for construction of the proposed improvements to land and shall be in sufficient detail to permit evaluation of the proposals and to determine compliance with the Florida Building Code and City's Code of Ordinances.

Construction sign means a temporary sign erected or placed on premises on which construction is taking place during the period of such construction indicating the names of owners, architects, engineers, landscape architects, contractors, artisans, financial supporters, or others having a role or interest with respect to the structure or project.

Contiguous means a sharing of a common border at more than a single point of intersection.

Contributing structure means a building or structure which is:

- (1) At least 50 years old;
- (2) Within the boundaries of a designated Historic District;
- (3) Contributing to the historic or architectural character of the district; and
- (4) Identified by the City Council in its designation of the Historic District.

Convenience store shall mean an establishment of no less than 2,000 square feet and no more than five thousand (5,000) square feet of conditioned space used for the retail sale of consumable goods and may include sit-down restaurant areas.

Copy means the linguistic or graphic content of a sign.

Corner lot. See "lot, corner."

Cost per student station estimate means, for each type of public school facility, an estimate of the cost of providing public school facilities for a public school student, as established in the school district's work program. "Cost per student station estimates" shall include all costs of providing instructional and core capacity including land, design, buildings, equipment and furniture, and site improvements. The cost of ancillary facilities that generally support the school district and the capital costs associated with the transportation of students shall not be included in the cost per student station estimate used for proportionate share mitigation.

Covenants shall mean various forms of agreements and deed restrictions recorded in the public records that restrict the use of property.

Cul-de-sac shall mean a street terminated at the end in a vehicular turnaround.

Cultivated landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Curb level means the permanently established elevation or grade of the curb top in front of a lot.

Current student enrollment means the number of students enrolled in all existing public school facilities operated by the school district in a given school year.

Dancing entertainment establishment has the exact same meaning as set forth in Section 151.103 (Definitions), Ordinance Code.

Day. Day means a working weekday unless otherwise stated.

D.C.A. or Department of Community Affairs means the Florida Department of Community Affairs and its successor the Florida Department of Economic Opportunity.

DCF or Department of Children and Families.

D.E.P. means the Florida Department of Environmental Protection.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or Section specify otherwise.

Density means the number of dwelling units divided by the gross area of the land on which such dwelling units are located. Where used in the LDC, density shall mean gross density. Gross density includes all the land within a particular area excluding nothing.

Department means the Planning and Development Department.

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.]

Detention and retention ponds mean basins designed to temporarily store stormwater runoff. Detention ponds attenuate and slowly release stormwater into the outfall boundaries. Retention ponds attenuate 100% of the captured runoff and release it into the ground via percolation or infiltration over time.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Developed area shall mean any platted or occupied section of the city abutting a public right-of-day in which twenty-five (25) percent of the lots in a block or tract have been developed by the building of a residential or commercial structure.

Developer means the legal or beneficial owner of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, including a governmental agency undertaking any development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into three (3) or more parcels.

- (1) The following activities or uses shall be taken for the purposes of these regulations to involve "development:"
 - a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
 - c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including "coastal construction" as defined in F.S. § 161.021.
 - d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
 - e. Demolition of a structure.
 - f. Clearing of land as an adjunct of construction.
 - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (2) For the purpose of these regulations the following operations or uses shall not be taken to involve "development:"
 - a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
 - b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewer mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracts, or the like.
 - c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
 - d. The use of any structure or land devoted to dwelling units for any purpose customarily incidental to enjoyment of the dwelling.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

- e. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the class.
- f. A change in the ownership or form of ownership of any parcel or structure.
- g. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law.

Development agreement means an agreement entered into between the City of Jacksonville Beach and a person associated with the development of land pursuant to F.S. § 163.3220.

Development order means any order granting or granting with conditions an application for development permit.

Development parcel, or development site (see also definition for single development parcel) shall mean the contiguous or adjacent lands, lots or parcels for which a unified development project is proposed. In the case where more than one (1) parcel, platted lot or lot of record has been combined and developed as a single development parcel, such lots shall not later be developed as single lots unless all requirements for development as single lots shall be met including, but not limited to, lot area, lot width, impervious surface ratio limitations, and provision of all required yards for all structures. The construction of a fence does not constitute the creation of single lots.

Development permit means an amendment to the official zoning atlas, a planned unit development (PUD) zoning district classification, a redevelopment district (RD) zoning district classification, a conditional use, a development plan, subdivision approval, a variance, a building permit or any other official action of the city having the effect of permitting the development of land.

Development plan shall mean a planning document that integrates plans, orders, agreements, designs, and studies to guide development as herein defined and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities, including local and regional water storage for water quality and water supply.

Development proposal means an application for any approval of the following types of residential development, or a phase thereof or amendments thereto: (1) final subdivision plat approval; or (2) development plan approval.

Development of regional impact ("DRI") means any development, exceeding the thresholds established by the State of Florida pursuant to F.S. Ch. 380.06, which because of its character, magnitude or location would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.

Diameter breast height (DBH) means the trunk diameter of an existing tree measured four and one-half (4½) feet above the average ground level at the tree base. If the tree forks between four and one-half (4½) and two (2) feet above ground level, it shall be measured below the swell resulting from the fork. Trunks that fork below two (2) feet above ground level, shall be considered multi-trunk trees. DBH for multi-trunk trees shall be determined by adding together the DBH of the two (2) largest trunks four and one-half (4½) feet above the ground.

Directional or directing sign means an on-premise incidental sign not exceeding a maximum of four square feet in area designed to guide or direct pedestrian or vehicular traffic for information only. Such

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

signs shall not contain any form of advertisement and shall not be included in calculating the maximum area or the number of signs under the Ordinance Code.

Director means the planning and development director or the director's designee.

Discontinued sign means a sign that is not operated or maintained for a period of one hundred eighty (180) calendar days or longer, and the intent of the owner of the sign shall not be a consideration in whether or not the sign is a *discontinued sign*. The following conditions shall be conclusively considered as the failure to operate or maintain a sign: (1) a sign displays advertising for a product or service which is no longer available, or (2) a sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. A *discontinued sign* includes a sign advertising a business that no longer has a certificate of occupancy or that no longer does business at the location at which the sign is located. A *discontinued sign* includes a sign for a purpose for which the purpose has lapsed. If the discontinued sign is on a freestanding sign structure that is conforming with the city's Land Development Code (LDC) and in compliance with the Florida Building Code, then only the sign face will be considered discontinued; however, if the discontinued sign is on a freestanding sign structure that is either nonconforming with the city's LDC or out of compliance with the Florida Building Code, then freestanding sign structure shall be removed.

District shall mean zoning district classifications as established by the official zoning district boundary map and as set forth within Article 3 of this chapter.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drainage, where appropriate, shall include, but not be limited to, swales, ditches, storm sewers, seepage basins, culverts, side drains, retention or detention basins, cross drains and canals.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Drive-in establishment means a business establishment wherein patrons are usually served while seated in parked vehicles on the same lot. This definition shall be deemed to include "drive-in restaurants," which are more completely described in this Section, as well as drive-in service establishments, including banks, carwashes, and dry cleaners that provide this service, and automobile service stations.

Drive-through lane sign shall mean a sign oriented to vehicles utilizing a drive-through lane at an establishment.

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

Dwelling means a building or portion thereof designed exclusively for residential occupancy, including single family, two-family or duplex, townhouses, and multiple family dwellings, but not including hotels, boarding or lodging houses, or mobile homes, whether such mobile homes are movable or anchored in a stationery fashion.

Dwelling, attached means a housing unit connected to another housing unit, generally with a shared wall, that provides living space for one household or family. Attached houses are considered

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

single-family houses as long as they are not divided into more than one housing unit and they have an independent outside entrance. A single-family house is contained within walls extending from the ground floor to the roof. Townhouses, rowhouses, and duplexes are considered single-family attached housing units, as long as there is no household living above another one within the walls extending from the ground floor to the roof to separate the units.

Dwelling, multiple family means a structure containing two (2) or more dwelling units.

Dwelling, single-family means the use of land for only one (1) dwelling unit, other than a mobile home, that is developed with open yards on all sides of the dwelling unit. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, Part 4, F.S. Ch. 553.

Dwelling, townhouse means a structure of two (2) or more single-family units separated by party walls in which each unit has its own front and rear access to the outside and no unit is located over another unit. The party walls separating the dwelling units shall be fire resistant and shall extend to the roof line of the structure and shall have no openings therein.

Dwelling unit means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people; no portion of which building interior, including any kitchen, shall be designed, arranged or closed off in a manner that eliminates interior access to or exit therefrom. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Manufactured Building Act of 1979, Part 1, Ch. 553, F.S. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are located outside of any building and are clearly accessory, such as an outdoor grill.

Dwelling, zero (0) lot line detached means the use of land for only one dwelling unit, which is not attached to any other dwelling unit that has one (1) wall located on one (1) interior side lot line.

Easement means a grant of the use of land by the land owner to any person, or to the general public for a specified purpose.

Eaves means the lowest horizontal line of a sloping roof.

Educational services means different establishments providing a variety of academic or technical instruction on the elementary, secondary, junior college, college, university, professional, or vocational level.

Egress means an exit.

Electric charging station shall mean a parking space or portion of a property containing a device used to transmit electricity to the batteries of motor vehicles.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Elevation certificate shall mean a survey of the elevation of the lowest finished floor and adjacent ground in the local floodplain datum as required by Federal Emergency Management Agency (FEMA). Elevation certificates shall be prepared and certified by a land surveyor, engineer, or architect who is authorized by the state or local law to certify elevation information.

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.

Engineer means a professional engineer registered to practice by the State of Florida.

Enlargement or expansion shall mean an increase in size of any development that requires a development permit.

Environmental assessment shall mean a study and a written report prepared in accordance with the State of Florida's approved methodology for wetlands determination in accordance with Section 373.421, F.S. and Section 62-340.300, FAC for verification and identification of environmental and habitat characteristics.

Environmentally sensitive areas shall include lands, waters or areas within the City of Jacksonville Beach which meet any of the following criteria:

1. Wetlands determined to be jurisdictional, and which are regulated by the Florida Department of Environmental Protection (FDEP), the U.S. Army Corps of Engineers, or the St. Johns River Water Management District (SJRWMD);
2. Estuaries or estuarine systems;
3. Outstanding Florida Waters as designated by the State of Florida and natural water bodies;
4. Areas designated pursuant to the Federal Coastal Barrier Resource Act (PL97-348), and those beach and dune areas seaward of the coastal construction control line;
5. Areas designated as conservation on the future land use map;
6. Essential habitat to listed species as determined by approved methodologies of the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the U.S. Fish & Wildlife Service, and the FDEP.

E.P.A. means the United States Environmental Protection Agency.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of message or customary maintenance or repair of a sign.

Erosion and sediment control measures mean techniques and best practices that are implemented during construction of land improvements to prevent/minimize erosion and the transport of sediment into stormwater systems and surface waters. Examples include silt fences, hay bales, sediment basins, and floating turbidity curtains.

Essential public services means the erection, construction, alteration, or maintenance of underground, surface or overhead utility installations of water, sewer, gas, telephone and electrical

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

systems and the equipment and appurtenances such as substations and lift stations necessary for such systems to furnish an adequate level of service.

Excavation means the digging, stripping or removal by mechanical process from their normal location of natural earth materials, including rock, stone, minerals, shell, sand, clay, marl, muck and soil, creating a hole, including borrow pits. The excavation may not include any type of processing; manufacturing or other activity that converts the natural materials into a product, unless the activity is a permitted use in the district or is specifically approved by exception.

Exceptional specimen tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public because of its size, age, historic association, or ecological value, or any tree designated a Florida State Champion by the American Forestry Association. The planning and development director shall keep a record of all specimen trees and their location.

Exempt development means a development that creates additional impact on public school facilities, but which is not required to receive a finding of available school capacity because it received site plan or final subdivision approval prior to the effective date of this ordinance, and the approval has not expired and remains valid. Approved developments of regional impact are exempt development. Developments of regional impact that submitted applications prior to May 1, 2005, or received approvals are also exempt development.

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 grade means the elevation of the ground in its natural state, before man-made alterations, including the deposition of fill, adjacent to and within two (2) feet of the proposed exterior walls of a structure.

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).

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family means any number of individuals related by blood, marriage or legal adoption, and no more than four (4) persons not so related living together as a single housekeeping unit.

Family day care home means an occupied residence in which child care is regularly provided for children and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children:

1. A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph; or

2. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children in the home may not exceed ten under this paragraph; or
3. When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven under this paragraph.

Feather sign or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather and attached to the pole support on one vertical side.

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

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finding of available school capacity means a determination by the school district designee that public school concurrency has been achieved based on the projected impacts of the development proposal. A finding of available school capacity may be based upon an executed proportionate share mitigation agreement.

Finding of no available school capacity means a determination by the school district designee that public school concurrency has not been achieved based on the projected impacts of the development proposal and the failure of the applicant to proffer an acceptable proportionate share mitigation agreement.

Finished floor elevation (FFE) shall mean the surface elevation of the lowest finished floor of a building. Minimum required finished floor elevation is established by the FEMA insurance rate map (FIRM) and expressed as the minimum elevation of the top of the first floor of a building.

Finished grade or finished elevation means the elevation of the ground surface upon the completion of any construction, immediately adjacent to and within two (2) feet of the exterior walls of a structure.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to or controlled from the ground.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

Flag pole means a pole on which to raise a flag.

Flashing sign means any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Flat sign. See *wall sign*.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry lands from the overflow of inland or tidal water or the unusual and rapid accumulation of 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.
1. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area means, except as specifically indicated in relation to particular districts and uses, the sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating, heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than an average of 48 inches above the general finished and graded level of the adjacent portion of the lot.

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.

Footprint means everything under a roof including the eave.

Foster care home means any facility, licensed by the DCF, which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet residents' physical, emotional, and social life needs of the residents. The family foster care home is a service designed to provide substitute family and parenthood relationships to foster care children. Delinquent children, alcohol and drug abusers, and dangerous mentally ill persons are excluded from this definition.

Fraternal club or lodge means those associations and organizations of a civic, fraternal or social character not operated or maintained for profit, for which there is restricted public access or use.

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage, building means the maximum width of a building measured in a straight line parallel with the abutting street, public parking lot, or pedestrian walkway.

Frontage, lot means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered lot frontage.

Functionally dependent facility means a facility that cannot be used for its intended purpose unless it is located or carried out close to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufactured sales, or service facilities.

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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

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.

Future land use map means the figure entitled "Future Land Use Map 2010, City of Jacksonville Beach, Florida" included as part of the future land use element of the Jacksonville Beach Comprehensive Plan, adopted pursuant to F.S. § 163.3161, et seq., as amended.

Garage means an accessory building or part of the main building used for the parking or storage of four (4) automobiles or less, used by the occupants of the main building.

Garage, apartment building shall mean a building, designed and intended to be used for the housing of vehicles, belonging to the occupants of an apartment building on the same property.

Garage, public shall mean a building or portion thereof, other than a private garage, designed or used for the parking, storage and hiring of motor vehicles.

Gas station shall mean establishments used for the retail sale of gasoline, diesel, propane, hydrogen or other fuels intended for use in motor vehicles.

Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.

Governing body means the City Council of the City of Jacksonville Beach, Florida.

Government sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other government speech.

Government use means any use which aids in the function of local, state and federal government. Such uses shall include but not be limited to branch government, government owned buildings, post offices, and community centers.

Grade, calculated average shall mean the average elevation of a site calculated prior to: any development; redevelopment; or any future topographic alteration of a site.

Grade, established shall mean the elevation of a site after any duly authorized and approved fill, excavation or topographic alterations have been completed.

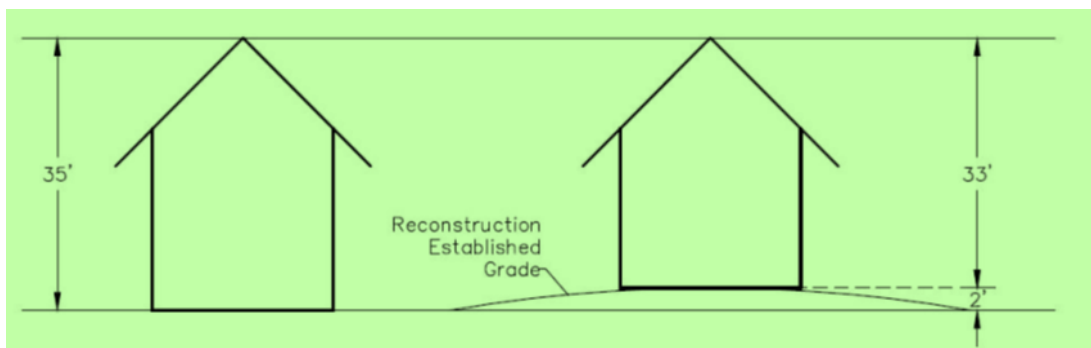


Figure 1 Grade, established

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Grade, preconstruction shall mean the elevation of a site prior to development, redevelopment, or any topographic alterations.

Gross area means an entire area without exception.

Ground cover means a low-growing herbaceous or woody plant other than turf, not over two (2) feet high, planted in such a way as to cover the ground.

Groundwater means water that fills all the unblocked voids of underlying material below the natural ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group home, developmentally or physically disabled means a dwelling unit licensed to serve clients of DCF, providing a living environment for residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. A developmentally-disabled resident is a person with a disorder or syndrome which is attributable to retardation, cerebral palsy, autism or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely. A physically-disabled resident is a person who has a physical impairment which substantially limits one (1) or more major life activities, or who has a record of having, or is regarded to have such physical impairment.

Group home, elderly-oriented means a dwelling unit licensed to serve clients of the DCF, providing a living environment for elderly residents who operate as the functional equivalent of a family, including supervision and care by support staff as may be necessary to meet the physical, emotional, and social life needs of residents. An elderly resident is any person age sixty (60) and over who is currently a resident of the state and who, because of a functional impairment, requires personal assistance with the activities of daily living but does not require nursing home or institutional care.

Halfway house means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Height, Building means the vertical distance between the elevation of the crown of the roof of the nearest adjacent roadway at the center of the front of the building; and either 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.

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 landmark means a building or structure which is at least 50 years old and meets at certain criteria that has been so designated by the City Council, and shall include the location of any significant archeological features or an historical event.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Historic landmark site means the land on which a historic landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the historic landmark.

Historical structure means any of the nine (9) structures identified by the Jacksonville Historical Landmark Commission in the City of Jacksonville Beach, Florida's Comprehensive plan document.

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Home for the aged, see nursing or personal care facility

Home occupation, type I means a home occupation use in which no persons other than members of the family residing on the premises are engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create need for off-street parking beyond normal dwelling needs, which does not generate additional traffic, and in which no equipment is used other than that normally used in household, domestic or general office use.

Home occupation, type II means a home occupation use in which not more than one (1) person other than members of the family residing on the premises is employed on the premises, which has not more than one (1) unilluminated sign not exceeding one (1) square foot in area as visible exterior evidence of conduct of the occupation, and which accommodates both dwelling and home occupation parking needs off the street.

Hospital means a building or group of buildings having facilities, including beds, for overnight care of one or more human patients and providing services to inpatients and medical care to the sick and injured, which may include as related facilities laboratories, outpatient services, training facilities, central service facilities and staff facilities; provided, that a related facility shall be incidental and subordinate to the principal hospital use and operation. Only those buildings licensed as a hospital under the laws of the state shall be included within this definition. A hospital is an institutional use under this Zoning Code.

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

Housing for the elderly means a facility in the nature of a multiple-family dwelling, the occupancy of which is limited to persons of an elderly age, but where the occupants are generally able to care for themselves and do not require regular personal maintenance or nursing care. The housing may include a medical or nursing facility for the convenience of the occupants. Where this Zoning Code permits housing for the elderly, the housing shall be used only for these purposes and shall not be converted to multiple-dwelling use unless all requirements of this Zoning Code are met for the conversion.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Impervious surface shall mean those surfaces that prevent the entry of water into the soil. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, patio areas, driveways, parking lots, and other surfaces made of concrete, asphalt, brick, plastic, or any surfacing material with a base or lining of an impervious material. Wood decking elevated two (2) or more inches above the ground shall not be considered impervious provided that the ground surface beneath the decking is not impervious. Pervious areas beneath roof or balcony overhangs that are subject to inundation by stormwater and which allow the percolation of that stormwater shall not be considered impervious areas. The water surface area of swimming pools shall not be calculated as an impervious surface.

Improvements shall include, but not be limited to, structures, buildings, fences, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, lift stations, storm sewers or drains, signs, street lights, landscaping, monuments, or any other improvement to land.

In compliance means consistent with the requirements of F.S. §§ 163.3177, 163.3178 and 163.3191, the Northeast Florida Regional Policy Plan, the State Comprehensive Plan and Rule 9J-5, F.A.C., where such rule is not inconsistent with F.S. Ch. 163, Part II.

Indirect lighting means the illumination of a sign by a light source that is not a component part of the sign.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress means an access or entry.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Inlet structures mean structures located at the surface level that capture stormwater into the collection and conveyance system. Inlet structures typically include catch basins, curb inlets, and grates.

Institutional use shall mean a use intended for social services, non-profits, or quasi-public institutions. Design standards for each institutional use may vary and should be considered on a case-by-case basis.

Intermittent means more frequently than once per day.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Intensity shall mean an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

Intertidal zone (or littoral zone) is the area along a shore that lies between the high and low tide marks, bridging the gap between land and water. At high tide, the intertidal zone is submerged beneath the water, and at low tide it is exposed to air.

Irrigation means the mechanical application of water to plant material in order to sustain plant life.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Irrigation zone shall mean the grouping together of any type of watering emitter and irrigation equipment operated simultaneously by the control of a timer and a single valve.

Junk yard means a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled.

Junked vehicle shall mean any abandoned, discarded, or inoperable motor vehicle, including any boat, motorcycle, trailer and the like, with a mechanical or structural condition that precludes its ability for street travel or its intended use, or one that is dismantled, discarded, wrecked, demolished or not bearing current license tags.

Karate and martial arts shall be deemed to be the expressive art form of self-defense.

Kennel, pet means any structure or premises where four (4) or more animals over six (6) months of age, not owned by the occupants of the premises, are kept for sale or for the purpose of breeding or temporary boarding, except in an animal hospital, animal grooming parlor or pet shop.

Kitchen means any room or space used or intended and designed to be used for cooking or the preparation of food. The installation of a cooking appliance constitutes a kitchen within the meaning of this definition, and where such a kitchen is installed or maintained in a room or suite of rooms said room or suite of rooms shall constitute a dwelling unit.

Kitchenette shall mean an area within a building containing limited kitchen facilities such as a bar sink, microwave oven, refrigerator/freezer not exceeding ten (10) cubic feet.

Lake or pond means an excavation in the earth from which natural materials are removed for use elsewhere and a hole or pit is thereby created which has a depth of 15 feet or less as measured from the mean elevation of the uppermost rim of the excavation and which is designed for and actually used for:

- (1) Boating, swimming, fishing, educational or other recreational purposes, or
- (2) The watering of livestock, commercial production of fish or other bona fide agricultural activity.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land. The word "land" includes the words "marsh" or "swamp."

Land Development Regulations shall mean this chapter and any other ordinances enacted by the City for the regulation of any aspect of land use and development and includes zoning, rezoning,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

subdivision, building, construction, or sign regulations or other regulations controlling the use and development of land.

Land Development Regulation Commission means the agency designated to prepare and review the land development regulations in the City of Jacksonville Beach. In Jacksonville Beach, the land development regulation commission is the city council.

Land use shall mean any development that has occurred, any development that is proposed by an applicant, or the use that is permitted or permissible pursuant to the adopted Comprehensive Plan or element or portion thereof, or land development regulations, as the context may indicate.

Landfill means a disposal site employing an engineering method of disposing of solid waste (includes garbage, refuse, yard trash and clean debris) in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

Landscape plant shall mean any native or exotic tree, shrub, or groundcover (excluding turf).

Landscaped area shall mean the vegetated area of a lot or parcel including planted and natural areas.

Landscaping means any of the following materials or combinations thereof; grass, ground covers, shrubs, hedges, trees, rocks, pebbles, decorative mulch, walls or fences but not paving, synthetic plant material or synthetic lawns.

Laundry shall mean a business that provides noncommercial clothes washing and drying or ironing machines to be used by customers on the premises.

LED display sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

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:

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.

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.

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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Level of service (LOS), public school facilities means the comparison of public school enrollment to school capacity in a given concurrency service area.

Level of service (LOS) - An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and relative to the operational characteristics of the facility. LOS shall indicate the capacity per unit of demand for road, potable water supply, sanitary sewer, solid waste collection, stormwater management, or recreation and open space facilities.

Licensed agent means the operator of a management company that has been licensed by the dwelling or unit owner, through a rental agreement or contract between the two (2) parties, to hold out the dwelling or unit for rent on a transient basis. A licensed agent is not required to hold a license from the division of real estate.

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.

Liquor license means, for the purpose of this Part of this Chapter, a license issued by the state for the retail sale, service and consumption of liquor.

Live-aboard vessel shall mean:

1. Any vessel used solely as a residence and not for navigation; or
2. Any vessel represented as a place of business, a professional or other commercial enterprise; or
3. Any vessel for which a declaration of domicile as a legal residence has been filed with the clerk of the circuit court of Duval County, Florida in accordance with F.S. § 222.17.

A commercial fishing boat is expressly excluded from the term live-aboard vessel, and this definition shall not be construed to include watercraft or cruising vessels that are engaged in recreational activities or navigation and traveling along the intracoastal waterway from anchoring temporarily or overnight.

Live entertainment includes, but is not limited to, singers, pianists, musicians, musical groups, bands, vocal or instrumental dances, theatrical shows, magicians, performers, comedians and all fashions, forms and media of entertainment carried on and conducted in the presence of and for the entertainment and amusement of others and as distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment. Live entertainment, as used within these land development regulations, shall not include adult entertainment establishments as defined by F.S. § 847.001(2).

Living area, minimum, shall mean conditioned space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Loading space, off-street means an all-weather surfaced area, other than a public street or approved private street, logically and conveniently located for loading, unloading, pickups or deliveries by motor vehicles or trailers and accessible to the vehicles when any required off-street parking spaces are filled.

Local planning agency means the planning commission.

Lot means a parcel, tract, or area of land of varying size established by plat, subdivision, or as otherwise permitted by law, which is designated as a single unit which is intended to be occupied by one building, or group of buildings, and its accessory uses. Means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide the yards and other open spaces herein required; provided, that the portion of a lot lying within a street or other right-of-way or access easement shall not be included in determining whether the lot meets minimum lot area requirements. The lot shall have frontage upon a publicly maintained or approved private street and may consist of:

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record.
- (4) A parcel of land described by metes and bounds; provided, that, in no case of division or combination, shall a residual lot or parcel be created which does not meet the requirements of this Zoning Code.

Lot area shall mean the area formed by the horizontal plane within the lot lines.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection

Lot coverage means the percentage of a lot's total area that is covered by the primary structure. This does not include unenclosed or unroofed decks, landings, or balconies.

Lot depth means the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot frontage means the front of an interior lot construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as set out in this Zoning Code.

Lot, interior means a lot other than a corner lot with frontage on only one (1) street.

Lot line means the lines of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

Lot measurement, depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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

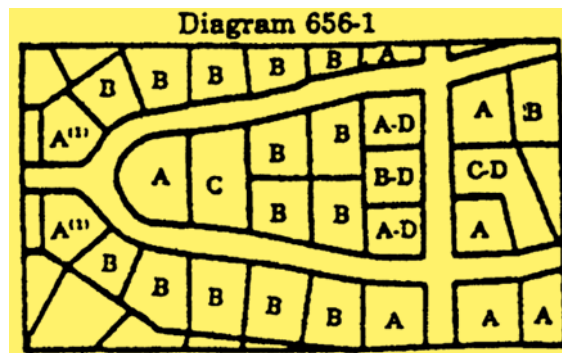
Lot, through means a lot other than a corner lot having frontage on two (2) streets.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Lot types mean:

- (1) *Corner lot:* A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A(1) in Diagram 656-1.
- (2) *Interior lot:* A lot other than a corner lot with only one frontage on a street.
- (3) *Through lot:* A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. A lot developed with a single family dwelling which would otherwise be classified as a through lot, and which meets the following criteria shall not be considered a through lot, but rather shall be classified as a corner or interior lot, as applicable: (i) the lot has frontage but no driveway access along the roadway classified as a collector or higher, and (ii) the single family dwelling faces and has driveway access to only the local road.
- (4) *Reversed frontage lot:* A lot on which the frontage is at right angles or approximately right angles (interior angle of less than 135 [degrees]) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in Diagram 656-1), an interior lot (B-D in Diagram 656-1) or a through lot (C-D in Diagram 656-1).

Diagram 656-1 illustrates terminology used in this Zoning Code with reference to corner lots, interior lots, reversed frontage lots and through lots:



Lot width means the horizontal distance between side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this chapter.

Low intensity retail shall mean those businesses that provide goods for the closely surrounding neighborhood including, but not limited to, the sale of wearing apparel, toys, sundries and notions, books and stationery, luggage, and jewelry.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Low intensity service establishments shall mean those businesses that serve the needs of the closely surrounding neighborhood including, but not limited to, beauty and barber shops, shoe repair, dress makers, and laundry pick-up.

Low maintenance zone means a landscape area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed to minimize the need for fertilization, watering, mowing, etc.

Low volume or micro irrigation shall mean an irrigation system designed to limit the delivery of water within the root zone. Examples include drip, micro, trickle and soaker systems.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance and management practices mean the regular maintenance of stormwater infrastructure is essential to ensure its proper functioning. This may involve cleaning storm drains, removing debris and trash, and inspecting and repairing infrastructure as needed.

Maintenance in the context of Article VIII, Division 4, Sign Standards means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Major development means:

- (1) Any residential development containing more than one hundred (100) dwelling units,
- (2) A commercial or office development containing thirty thousand (30,000) or more square feet of floor area,
- (3) Any combination of land uses which will generate one thousand (1,000) or more vehicle trips per day, and
- (4) Any combination of land uses that will generate an increase of one hundred (100) or more new peak hour trips. Trip generation shall be based on the ITE Trip Generation Manual, current edition.

Major life activity. See "disabled person."

Mansard or mansard roof means a style of hip roof characterized by two (2) slopes on each of its four (4) sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is usually pitched at the minimum needed to shed water. A mansard roof may combine a steep lower slope with a flat roof.

Manual Car Wash means a commercial automobile wash facility, either temporary or permanent, where vehicles are primarily washed by hand by individual persons. This definition shall not apply to *bona fide* automobile dealerships, rental car facilities or to temporary one-day fundraising events by civic, religious, or non-profit entities where volunteers wash vehicles by hand, and the number of fundraising events does not exceed six (6) events per year, and the monetary proceeds from which are used to support the activities or mission of the civic, religious or non-profit entity.

Manufactured building means a closed structure, building assembly, or system of assemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without specified

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

components, as a finished building or part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, or industrial structures. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

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 means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision (New). 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.

Marina means an establishment with a waterfront for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips or on boat lifts, including accessory facilities for purposes such as refueling, minor repair and launching. The marina may include accessory facilities such as launching, refueling, minor repair services such as lubrication and tune ups, not involving removal of the watercraft from the water or removal of inboard or outboard engines from the watercraft, a snack bar/restaurant, bathroom, showers, laundry, sundries store and other customary accessory facilities.

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 value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

May. May means permissive.

Mean high water shall mean the average height of the high waters over a 19-year period. For shorter periods of observations, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value, as defined in F.S. § 177.27.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Mean high water line shall mean the intersection of the tidal plane of mean high water with the shore, as defined in F.S. § 177.27 and is generally recognized as the boundary between state sovereignty lands and uplands subject to private ownership.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. For the purposes of the LDC, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical marijuana treatment center means a facility licensed by the Florida Department of Health that can cultivate, process, transport, or dispense marijuana or marijuana related products.

Medical marijuana treatment center dispensing facility means a facility or business operated by a medical marijuana treatment center (MMTC), or other organization or business holding all necessary state licenses and permits and where marijuana and products derived therefrom are dispensed at retail in accordance with all other applicable local, state and federal laws.

Medical product manufacturing shall mean facilities that manufacture prosthetic appliances, dentures, eyeglasses, hearing aids and similar medical products.

Microbrewery means an establishment which produces, packages, and stores beer or other cereal beverages within an enclosed building, and which produces no more than eight thousand (8,000) barrels or two hundred forty-eight thousand (248,000) gallons of beverages per year, and which may or may not include a tasting room on premises.

Minerals means all solid minerals, including clay, gravel, phosphate rock, lime shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

Mini-warehouses or personal storage facilities shall include all those businesses, which are utilized for the sole purpose of storage of tangible personal property other than motor vehicles. No business activity shall be conducted within mini-warehouses or personal storage facilities.

Mining means the process or business of extracting ore, minerals or materials from the earth.

Mixed Use means a development or redevelopment project containing a mix of compatible uses intended to support diversity in housing, walkable communities, the need for less automobile travel and a more efficient use of land. Uses within a particular mixed-use project shall be consistent with the future land use designations set forth in.

Mobile Car Detailing Services means the performance of thorough cleaning, and restoration of the finish of an automobile, both inside and/or out, to produce a show-quality level of detail where the service provider travels to a location for the purpose of detailing a vehicle(s), and is temporary in nature, and shall not remain at the same location in excess of 48 hours. Such services are prohibited in all residential zoning districts.

Mobile food dispensing vehicle means any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

Mobile food vendor means any person or business selling food from a mobile food dispensing vehicle from which food items are sold to the general public.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Mobile home means the use of land for a structure, including the plumbing, heating, air conditioning, and electrical components contained therein, transportable in one (1) or more sections which structure is eight (8) feet or more in width and over (40) feet in length, or which, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a HUD label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured buildings meeting the criteria contained in the definition of a single-family dwelling. A travel trailer is not to be considered as a mobile home.

Mobile home park, existing means premises existing as of March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park, expansion to existing means an increase in the number of mobile home sites to an existing mobile home park.

Mobile home park, new means premises approved for development after March 6, 1995 (ref. Ord. No. 95-7617), with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home park means premises with required improvements and utilities where mobile home spaces are rented or leased for use by mobile homes for residential occupancy which may include services and facilities for the residents.

Mobile home site means land within a mobile home park or subdivision designated for the accommodation of not more than one (1) mobile home.

Mobile home subdivision means a parcel of land subdivided into lots and City maintained or privately maintained streets where lots are sold or leased for the purpose of placing mobile homes therein for nontransient living or sleeping purposes and including common facilities and land for use by occupants of mobile homes on the premises.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Month means a calendar month.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.

Motel means a group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, designed for use primarily by transients.

Mulch means nonliving organic materials customarily used in landscape design to retard erosion and retain moisture.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Multi-use building means a structure that serves three (3) or fewer uses that share common parking areas, signage and other necessary infrastructure. These buildings can include a variety of uses, such as residential, commercial, retail, medical, recreational, or industrial.

National Geodetic Vertical Datum (NGVD) means the vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

Natural event means an unusual, extraordinary, sudden, unavoidable or unexpected manifestation of the forces of nature beyond control of any person which may include, but not be limited to, hurricanes, windstorms, floods, storms, fire, acts of war (declared or undeclared), acts of terrorism, failure of energy sources and other catastrophes. An event shall not be considered a natural event if it results from the intentional or deliberate act of the owner.

Neighborhood Park – A smaller park that serves as a social and recreational focal point for a neighborhood. Neighborhood parks are generally 1 to 5 acres in size and accessible by foot or bicycle with a service radius of about 0.5 miles. Typically serves a population of up to 5,000 persons.

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.

Newspaper of general circulation means a newspaper of local origin published at least on a weekly basis, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nightclub means an establishment with the service of liquor, and at least one of the following characteristics: 1) a set-aside area for dancing; 2) live performance of amplified music after 12:00 midnight; 3) a disc jockey or DJ; or 4) other form of amplified live on-site entertainment.

Non-commercial message means any message which is not a commercial message.

Nonconforming building or structure means any building or other structure which was lawfully constructed but which does not comply with all applicable provisions of the LDC, including size and dimensional standards, off-street parking standards, landscape standards, performance standards, or height standards either on the effective date of the LDC or as a result of any subsequent amendment. Such noncomplying building or structure shall be referred to as a nonconformity.

Nonconforming lot of record means a lot which conformed to the relevant land use standards at the time of the creation of the lot, but which does not comply with applicable regulations of the LDC for width and area.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Nonresidential activity means any activity which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling.

Non-technical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

Nursing home or personal care facility means any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, one (1) or more personal services for adults who by reason of illness, physical infirmity, or advanced age are unable to care for themselves and are not related to the owner or administrator by blood or marriage, and who require such services. Only those homes, buildings or places licensed under the laws of the state as nursing homes shall be included within this definition.

Occupancy frontage means the length of that portion of a building occupied by a single office, business or enterprise abutting a street, alley, parking area, or other means of customer access such as an arcade, mall, or walkway.

Occupied means arranged, designed, built, altered, converted to or intended to be used or filled.

Oceanfront lots means lots fronting or parallel to the ocean.

Office, business or professional means a place, a building or portion of building in which business services are preformed involving predominantly administrative, professional or clerical operations.

Office use shall mean customary administrative functions associated with a business and uses involving professional services conducted within the business that do not involve on-premises production, manufacture, storage or retail sale of products.

Offsite commercial advertising means a nonaccessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite commercial sign means a nonaccessory billboard or sign that displays offsite commercial advertising.

Off-site sign/advertising means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertising logos, symbol or other form, whether placed individually on or a V-type, back-to-back, side-to-side, stacked or double-faced display, designed, intended or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main or traveled way and which sign relates in its subject matter to offices, products, accommodations, services or activities which are sold, produced, available, conducted or rendered at locations other than

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

on the premises where the sign is located. The term does not include an official traffic control sign, official marker, specific information panel erected, or other form of public information caused to be erected or approved by any government upon its property or right-of-way.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of Article VIII, Division 4, Sign Standards of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Open space shall mean an area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, landscaping elements, stormwater retention facilities, swimming pools, tennis courts, or similar open air recreational facilities. Streets, structures and screened or impervious roofed structures shall not be allowed in required open space.

Outdoor area shall mean an area not enclosed in a building and which is intended or used as an accessory area to a public food service establishment which provides food and/or drink to patrons for consumption in the area.

Outdoor restaurant or bar means any restaurant or bar, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot and has, in place, tables and chairs set up to accommodate patrons for seating during all hours of operation. This definition includes any deck or other area constructed and/or utilized on the roof of a structure.

Outside storage means an area used for the storage of materials not able to be stored in a completely enclosed building for more than 24 hours.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Package liquor store means any establishment devoted primarily to the sale of alcoholic beverages for consumption off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages for consumption off-premises.

Pain Management Clinics shall mean any publicly or privately owned facility that advertises in any medium for any type of pain-management service or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain, pursuant to State Statutes.

Painted wall sign means any sign painted on any surface or roof of any building.

Parapet means the extension of a false front or wall above a roof line and may not exceed 50 percent of one existing floor.

Parcel of land means any quantity of land and water capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. It may be described by metes and bounds or by recorded plat. The terms "*lot*," "*parcel*," "*land*," "*site*," "*development parcel*" may be used interchangeably within this Code as appropriate to the context.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Park means an area designed to include a combination of passive recreation (activities not requiring any formal layout such as picnicking, fishing, hiking, walking, etc.) as well as active recreation (organized activities such as tennis, basketball, defined playground areas, jogging trails, etc.) attracting visitors from the community and beyond a one-mile radius.

Parking, accessible shall mean parking spaces designed in compliance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design ("2010 Standards"), as may be amended.

Parking bay means a parking module consisting of one (1) or more rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking lot means an off-street, ground level area or plot of land used for the storage or parking of vehicle.

Parking space means a space for the parking of a motor vehicle within a public or private parking area.

Parking space, off-street means an all-weather surfaced off-street storage space, either outside or within a building, for the parking of motor vehicles. Adequate room for parking a standard-size automobile with ample room for the opening of doors on both sides must be provided. In addition, the parking space shall have proper access to a public or approved private street, as well as ample on-site maneuverability so that access to the parking space does not require maneuvering on a public or approved private street except off-street parking areas for two cars or less.

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.]

Patron shall mean any guest or customer of a public food service establishment.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, which will flutter or swing in the wind.

Perimeter landscape means a continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

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.]

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this Land Development Code.

Permitted use shall mean the uses and activities that are allowed within a particular zoning district as described within this chapter. In the case of a question regarding a typical or similar use, such use shall be determined based upon the North American Industry Classification System (NAICS).

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access facilities and those defined by the Communications Act, including but not limited to, the transmission and reception of radio microwave signals used for communication, data, cellular phone, personal communication services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Personal wireless service facility or personal wireless service facilities means facilities used for the provision of personal wireless service including any freestanding facility, antennae, distributed antennae system, and/or small cell technology. Personal wireless service facilities include, but are not limited to, utility poles, towers, monopoles, communications facilities, and other facilities, equipment, and appurtenances that are used in the delivery or transmission of personal wireless services,

Personal wireless service provider means a company licensed by the Federal Communications Commission (FCC) that provides personal wireless service. A builder or owner of a personal wireless service facility is not a personal wireless service provider unless licensed to provide personal wireless services.

Pervious parking means a land surface which allows for the penetration of water which includes, but is not limited to gravel, mulch, stabilized sod and pervious paving materials and meets a 50 percent runoff co-efficient for gravel or any lesser percentage of run-off.

Pervious paving materials means a porous asphaltic or concrete surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

Pets, household means any domestic animal such as cats, dogs, birds, and hens that are customarily kept for personal use including collection of eggs and/or enjoyment within the home or residential lot. Other poultry, hoofed animals of any type, predatory animals, or any animal which is normally raised for slaughter or commercial sale shall not be considered as household pets.

Pharmacy means a retail store where prescription and other medicines and related products are dispensed and sold retail as the principal use, and where the retail sale of other miscellaneous goods may also be permitted.

Planned Unit Development means a development of land that is under unified control and is planned for and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features or improvements.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Planning agency shall mean the Planning Commission, or any other agency designated by the City Council, to serve those functions as the City's local planning agency, pursuant to chapter 163, Florida Statutes as well as other functions as directed by the City Council.

Planning and Development Director means the person appointed to direct the Planning and Development Department of the City of Jacksonville Beach.

Planning Commission means the Jacksonville Beach Planning Commission.

Plant community means a natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant nurseries means an agricultural endeavor devoted exclusively to the raising of ornamental plants or trees for sale or transplanting, does not include the sale of firewood or lumber.

Plat means a map or drawing upon which an exact representation of a subdivision and other information is presented in compliance with the requirements of Article IX, Subdivision Standards.

Plat, final means the plat to be recorded in accordance with engineering plans, specifications and calculations; certification of improvements, as-built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a development or a phase of a development or the entire parcel of land proposed for development as required pursuant to Section 34-505 of this chapter.

Pocket park means a park designed to provide green space and attract visitors from within the immediate area which is passive in nature, accessed by pedestrians only, and which contains amenities such as landscaping with benches, public art, fountains and sculptures, etc. A pocket park should be no more than one acre in size.

Pole sign means a ground sign that is supported by one or more poles and otherwise separated from the ground by air. A *pole sign* is not a *monument sign*, another type of *ground sign*.

Porch means a roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building which has no enclosure other than the exterior walls of the building. Open-mesh screening shall not be considered an enclosure.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Porte-cochere means a porch or portico-like structure at a main or secondary entrance to a building, through which it is possible for a vehicle to pass, in order for the occupants to enter or exit under cover, protected from the weather.

Potable water facilities means the planning of, engineering for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

Poultry means fowl normally raised as food for consumption or used to raise food for consumption.

Preserve area means vegetative areas required to be preserved under the jurisdiction of DER, SJRWMD or other governmental regulatory agencies.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Prevailing setback shall mean the most common distance between buildings and the street and property boundaries in a specific development area.

Principal building shall mean a building within which is conducted the main or principal use of the lot or property upon which the building is situated.

Principle use means any use specifically identified as a permitted or permissible use in a given zoning district.

Privacy structures shall mean vertical improvements such as trellises, screens, partitions or walls, that are intended for the purpose of creating privacy for a rear yard, as opposed to a fence which encloses or separates land.

Private well means a shallow aquifer, Hawthorne, or Florida well that is not a public potable water well.

Professional surveyor and mapper shall mean a surveyor and mapper registered under Chapter 472, Florida Statutes, who is in good standing with the Board of Professional Surveyors and Mappers.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Property line shall mean the exterior lot lines of a single parcel or a group of lots when two (2) or more lots are considered together for the purposes of development.

Proportionate share mitigation means an applicant's voluntary provision of public school facilities proportionate to a development proposal's impact on school capacity. Proportionate share mitigation options may include contribution of or payment for land acquisition; construction or expansion of, or payment for construction of public school facilities; or the creation of mitigation banking based on the construction of public school facilities, in exchange for the right to sell capacity credits to other residential development affecting those facilities. Proportionate share mitigation must be identified in a work program, unless the school district has committed itself in a proportionate share mitigation agreement to include the mitigation in the work program during the next annual update to the work program.

Proportionate share mitigation agreement means a voluntary, legally-binding commitment to provide proportionate share mitigation to ensure public school concurrency can be achieved, where school capacity would not otherwise be adequate to support the demand resulting from approval of a development proposal at the time the development proposal is being considered. The applicant, school district and the city shall be parties to a proportionate share mitigation agreement.

Protected tree means any tree, except those which are hereinafter exempted in Section 34-744(b), with a DBH of six (6) inches or more.

Public facilities shall mean major capital improvements, including without limitation transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public food service establishment and food service establishment shall mean any building, restaurant, vehicle, place, or structure, or any room, division, or area in or adjacent to a building, vehicle, place or structure where food is prepared, served, or sold for immediate consumption on or in

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

Public notice shall mean notice required by F.S. § 166.041. The public notice procedures required in this chapter are established as minimum public notice procedures for the City of Jacksonville Beach.

Public open space shall mean open space, land or water areas, available for public use, not restricted to members or residents.

Public potable water well means any water well completed into the Floridan Aquifer, which supplies potable water to a community water system or to a nontransient, noncommunity water system, as those terms are defined in Rule 63-521.200, Florida Administrative Code.

Public potable water supply well means a well withdrawing potable water from the surficial aquifer that serves and is operated by public utilities. For the purposes of Section 34-773 public utility shall mean any municipal system that provides service to the public and utilities required to obtain a SJRWMD individual water use permit.

Public protected tree means any tree, except those which are hereinafter exempted in Section 34-744(b), with a DBH of six (6) inches or more located on lands owned by the city, its agencies or authorities, or any land upon which easements are imposed for the benefit of the city, its agencies or authorities, or upon which other ownership control may be exerted by the city, its agencies or authorities, including rights-of-way, parks, public areas and easements for drainage, sewer, water and other public utilities.

Public school concurrency means, as provided in F.S. § 163.3180(13)(e), the necessary public school facilities to maintain level of service standards are in place or are scheduled in the work program to be under actual construction within three (3) years of approval of a development proposal.

Public school facilities means permanent public school buildings provided by the school district, as defined by the most current edition of the Florida Inventory of School Houses (FISH), published by the Florida Department of Education, Office of Educational Facilities, or land for a public school facility.

Public school facilities, existing means public school facilities that are already constructed and operational at the time that the school district designee makes a finding regarding school capacity.

Public school facilities, planned means public school facilities in the school district's work program that will be in place or under actual construction within three (3) years after the approval of the development proposal.

Public school facilities, total means existing public school facilities and planned public school facilities.

Public schools interlocal agreement means the interlocal agreement between the county, non-exempt municipalities, and the school district, pursuant to F.S. § 163.31777, which establishes standards and procedures for a coordinated, uniform public school concurrency program throughout Duval County and which ensures the level of service standards for public school facilities are achieved and maintained.

Public water supply utility means the owner of a public potable water well or wellfield.

Real estate sign means a temporary sign advertising the real estate upon which the sign is located as being for sale or rent.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Reasonable use means the appropriate and fair use of one's property that does not unreasonably interfere with another person's use of the property.

Recreation and open space facilities means the planning of, engineering for, acquisition of land for or construction of park and recreation facilities necessary to meet the LOS for recreation and open space facilities.

Recreational vehicle means a vehicle that is:

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. Recreational vehicles shall not include airplanes.

Redevelopment District means an area designated by the city council as blighted and in need of redevelopment pursuant to F.S. Ch. 163, Part III. When indicated as a redevelopment district or RD zone district, reference is made to an area classified in accordance with Section 34-621 of the LDC.

Regulated area means that area within the zone of protection surrounding each public potable water supply well.

Regulated substances mean:

- (1) Substances which have one (1) or more of the following characteristics:
 - a. They are listed as a priority toxic pollutant and hazardous substance by the EPA in 40 CFR 122.21;
 - b. They are an EPA Designation Reportable Quantities and Notification Requirements for Hazardous substances under CERCLA (40 CFR 302);
 - c. They are a degradation product which is toxic, which includes petroleum based products;
 - d. They are on a restricted use pesticide list promulgated pursuant to F.S. Ch. 487, set forth in Chapters 5E-2 and 5E-9, F.A.C.
- (2) As well as the following physical characteristics:
 - a. They are prone to be persistent in the environment;
 - b. They are water soluble or prone to pass downward through surface soils, to enter into and mix with groundwater, and be transported by the movement of groundwater.

Religious organization means a structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Restaurant means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Restaurant, drive-in means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food to customers who are not in motor vehicles, for consumption either on or off the premises.

Retail establishments shall mean those businesses that provide goods for the surrounding community including, but not limited to, the sale of lumber, hardware, building materials, photo supplies, sporting goods, hobby supplies, pet supplies, home furnishings, and office equipment as well as low intensity commercial establishments.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Road facilities mean the planning of, engineering for, acquisition of land for or construction of roads necessary to meet the LOS for road facilities.

Roof line means the highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to the principal slope or slopes of the roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rooming and Boarding house means a building in which sleeping accommodations are offered to the public where rentals are for a period of a week or longer, occupancy is generally by resident rather than transient, rentals are for use of a bedroom with shared access to the primary kitchen and/or bathroom(s) shared with occupants of other rented bedrooms, and where residents do not operate as a family. Existing rooming houses shall be identified by one or more of the following existing conditions, each of which shall create a rebuttable presumption that a building is a rooming house:

- 1) Signs that indicate rooms, beds, or living spaces for rent;
- 2) Interior locks, partitions, hasps, appliances such as electric fry pans, toaster ovens, refrigerators, etc.;
- 3) Individual storage of food;
- 4) Alphabetical, numeric, or other labeling of bedrooms or living areas;
- 5) Alterations to structures which enhance or facilitate its use as a rooming house.

Rotating sign (or revolving sign) means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Salvage yard shall mean a place where discarded or salvaged materials, are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Salvage yards shall include automobile wrecking, house wrecking and structural steel materials and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials from manufacturing operations or for any type of automotive repair.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

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

Sanitarium means a facility for the recuperation and treatment of physical or mental disorders without provision for major surgery.

Sanitary sewer facilities means the planning of, engineering for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this chapter, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

School means a private or public educational institution offering students an academic curriculum, including kindergartens, elementary schools, high schools, colleges and universities.

School bus means a motor vehicle regularly used for the transportation of prekindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any school board, as defined in F.S. § 234.051.

School capacity means the demand that can be accommodated by a public school facility at the level of service standard, as determined by the school district.

School concurrency allocation means a reservation of school capacity made by the school district after a finding of available school capacity, upon the city's approval of a development proposal. The reservation shall be indicated on the school concurrency schedule.

School concurrency application means an application for the school district to make a finding of available school capacity and issue a school concurrency allocation.

School concurrency schedule means a schedule maintained by the school district that tracks the availability of school capacity over time.

School district means Duval County Public Schools.

School district designee means a person or committee designated to act on behalf of the school district, and to make determinations regarding whether public school concurrency has been achieved for school concurrency applications submitted to the school district by the director.

Screen enclosure means a structural network of metal or wood members with open mesh panels for both walls and roof.

Screening shall mean improvements that conceal the existence of something by obstructing the view of it.

Seat shall mean, for the purpose of determining the number of required off-street parking spaces, the number of chairs. In the case of benches or pers, each linear twenty-four (24) inches of seating shall count as one (1) seat. For areas without fixed seating such as standing areas, dance floors or bars, each seven (7) square feet of floor space shall constitute a required seat.

Service establishments shall mean those businesses that serve the routine and daily needs of the community in which it is located including, but not limited to, low intensity service establishments, barber or beauty shops, shoe repair shops, laundry or dry cleaners, funeral homes, electronics repair

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

shops, lawn care service, pest control companies, and similar service uses but not including manufacturing, warehousing, storage, or high intensity commercial services of a regional nature.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Service station means any building, structure or land used for the dispensing, sale or offering for sale at retail, and any automobile fuel, oils, or accessories in connection with which is performed general automotive servicing, such as tire servicing and repair, and including engine and transmission repair, but excluding body work, straightening of frames, painting, or welding. All work must be done inside of an enclosed building.

Setback shall mean the required distance between the lot line and the building or structure. Unless otherwise provided for within this chapter, setbacks shall be measured from the property line to the exterior vertical wall of a building or structure as opposed to the foundation. See also definition for building setback. When two (2) or more lots under single or unified ownership are developed as a single development parcel, the exterior lot lines of the combined parcel(s) shall be used to determine required building setbacks. Building setback and building restriction line may have the same meaning and may be used interchangeably where such lines are recorded on a final subdivision plat.

Shade tree means a tree with a mature crown spread of at least fifteen (15) feet.

Shall. Shall means mandatory.

Shopping center means a group of four (4) or more retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership that is adjacent to and utilizing a common off-street parking area.

Short-term vacation rental means:

- (1) Any individually or collectively owned single-family, two-family, townhouse, or multi-family dwelling unit that is also a transient public lodging establishment.
- (2) Single-family, two-family, townhouse, or multi-family dwellings subject to deed restrictions and covenants of a home-owners association, condominium units, timeshare projects, and owner-occupied dwelling units renting fifty (50) percent or less shall not be subject to the regulations of this code.

Shrub means a self-supporting woody perennial plant characterized by multiple stems and branches continuous from the base, naturally growing to a mature height between two (2) and twelve (12) feet.

Sight triangle shall mean the area within the limits described by the two (2) intersecting center lines of a street and a line drawn between them from points on each center line that are a prescribed number of feet from the intersection of the center lines.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area. The foregoing objects are not signs for purpose of regulation herein.

Sign area computation means the method by which the area of each surface of a sign is computed. For signs with fixed boundaries, frames or edges, it shall be computed by calculating the area within and including the exterior boundaries, frames or edges enclosing the letters or graphic matter which composes each sign surface. For signs with fixed boundaries, frames or edges, such as where a sign is composed of separate letters which are placed or painted upon or against a building or upon or through a window or other similar surface not designed, framed or edged specifically for sign presentation, the sign area shall be computed on the basis of the smallest regular geometric shape, such as a triangle, rectangle, square or circle encompassing the outermost exteriors of the outermost individual letters, words or numbers which yields the least total square footage of area. Computation of sign area shall include border trim.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means area of sign.

Sign visibility triangle shall mean the triangle described in Section 34-745(b)(4)a.

Site development plan shall mean a plan of development including surveys, maps, drawings, notations and other information as may be required depicting the specific location and design of improvements proposed to be installed or constructed in accordance with the requirements of this chapter.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

Solid waste facilities mean the planning of, engineering for, acquisition of land for or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

Soundproof means that sound attenuation shall not exceed 50 dbn through the outside of the structure.

Special Exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as special exceptions if specific provision for the special exception is made in the Zoning Code and the uses are found by the Commission and the Council to be in conformity with the standards and criteria set forth in this code.

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.

Statutory sign means a sign the city is required to erect by any statute of the State of Florida or the United States for safety, directional, or traffic control purposes.

Storm drains mean underground pipes or open channels that collect and convey stormwater from streets, parking lots, and other surfaces to a designated discharge point, such as a ditch, canal, or river.

Stormwater management facilities mean the planning of, engineering for, acquisition of land for or the construction of stormwater management facilities necessary to meet the LOS for stormwater management facilities.

Stormwater Management System shall mean the system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site or area.

Stormwater runoff means the portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public. For the purposes of the LDC, "streets" are divided into the following categories:

- (1) Arterial street means a road which is used to move large volumes of traffic rapidly between population centers, around population centers, or from one section of the urban area to another.
- (2) Collector street means a road designed primarily to connect local streets with arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic.
- (3) Cul-de-sac means a minor road of short length having one end open to traffic and one end terminating in a vehicular turn-around.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

- (4) Local street means a road used primarily for access to abutting properties within a subdivision.
- (5) Approved private street means a street or road that meets the design standards set forth herein corresponding to its intended functional use, that is not dedicated to the City of Jacksonville Beach.
- (6) Approved street means any local street, constructed according to the specifications in Article IX, Subdivision Standards, and accepted by resolution of the city council of the City of Jacksonville Beach for maintenance purposes.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Street frontage means the property line of a lot abutting the right-of-way line of public or approved private streets, excluding alleys to which such property has the legal right of access.

Street line means the line separating the street and abutting property.

Street right-of-way line shall mean the dividing line between a lot or parcel of land and the contiguous street.

Structural alterations mean any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists; or in the dimensions or configurations of the roof or exterior walls.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Subdivider means a person developing a subdivision, or that person's agent.

Subdivision means the division of land into three (3) or more parcels for the purpose of sale or lease, including the addition to or re-subdivision of land, if not exempted by the terms of the LDC.

Subdivision identification sign means a sign located at the intersection of two street rights-of-way. The only lettering shall be the name of the subdivision. Such sign may be illuminated only when the sign is abutting a right-of-way which is classified a collector street or higher on the Functional Highway Classification Map of the Comprehensive Plan.

Submerged land means land below the mean high tide or mean high water line.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

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.]

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

- 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.
- 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 34-772(a)(7) of this ordinance.

Surety device means an agreement with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

Surface water means water on the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline;
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

Surveyor, land, means a land surveyor registered under Chapter 472, Florida Statutes who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

Tasting room means the portion of a microbrewery/winery that is located on the premises of the production facility at which guests may purchase and consume beer and wine on-site. Tasting rooms are limited to eight hundred (800) square feet in area, or twenty-five (25) percent of the microbrewery or winery total area of the facility, whichever is less. The hours of operation of a tasting room may not extend past 10:00 p.m. on Sunday through Thursday, and 12:00 a.m. on Friday and Saturday.

Temporary and portable buildings and structures means any building or structure constructed or erected to not require permanent location on the ground.

Temporary embellishment means an embellishment placed on the facing of a sign for a period not to exceed six months.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in this Code, a sign with an intended use for a period of time related to an event shall be deemed a temporary sign. A flag shall be deemed a temporary sign.

Temporary structure means any non-habitable structure for ancillary use which does not require a permanent foundation or connection to the ground for its support, and has no permanent connection to or provisions for municipal utilities, and can be disassembled without the use of destructive force for relocation or removal.

Tense. Words used in the past or present tense include the future as well as the past or present.

Text. In case of any difference of meaning or implication between the text of the LDC and any figure, the text shall control.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Textile Recycling Bin means any stationary or free-standing bin, container, receptacle or similar device made of steel or other durable metal that is located outdoors within the city and is used for the collection of Textile Materials.

Theater means an establishment offering dramatic presentations or showing motion pictures to be viewed in an auditorium accommodating three or more persons.

Threatened or endangered species shall mean species so listed by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and [the] U.S. Fish and Wildlife Service.

Tiny house means a dwelling that is 400 square feet (37 square meters) or less in gross floor area, excluding lofts.

Tower site means a parcel on which a communication tower and related accessory structures are located, which may be smaller than the minimum size required in the zoning district.

Townhouse shall mean a single-family dwelling unit not exceeding three stories in height constructed in a group of two or more attached units by a common wall or breezeways for townhomes built prior to February 2025 with property lines separating such units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Traffic control device sign means any government sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer, boat, horse, or utility shall mean a conveyance drawn by other motive power and use for transporting a boat, animal, equipment or general goods. See also "Recreational Vehicle".

Trailer, travel or camping. See recreational vehicle.

Transient occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

Transient public lodging establishment means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Transportation Network Company or "TNC" means an entity operating in this state pursuant F.S. § 627.748 to using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drives that connect to its digital network, except where agreed to by written contract, and is not a taxicab associate or for-hire vehicle owner.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Travel trailer (recreational vehicle) means a portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes. It is not more than nine (9) feet in width and up to forty (40) feet in length.

Tree means a self-supporting woody plant having a single trunk or a multiple trunk of lower branches, growing to a mature height of at least twelve (12) feet in northeast Florida.

Tree, palm means an evergreen plant of the Palmaceae species cold hardy in northeast Florida having a single trunk and terminal crown of large pinnate or fan-shaped leaves.

Turf means continuous plant coverage consisting of grass species suited to growth in the City of Jacksonville Beach.

Umbrella sign means a sign printed on umbrellas used for legal outdoor seating area at a business establishment, which is made of a lightweight fabric or similar material.

Under canopy sign means a sign suspended beneath a canopy, ceiling, roof or marquee.

Understory means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property, or is in eminent danger of collapse or falling, with or without potential damage to others or property.

Upland buffer shall mean areas of uplands adjacent to a delineated jurisdictional wetland boundary restricted from development.

Urban landscape means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants.

Use means the purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained.

Utilities means, but is not necessarily limited to, water systems, electrical power, energy, natural gas, sanitary sewer systems, stormwater management systems, and telephone, internet or television cable systems; or portions, elements, or components thereof.

Value means, as applied to a building, the estimated cost to construct or replace the building in kind, or in the correct context, may mean the fair market value of a structure.

Variance means deviations from the terms of the LDC which would not be contrary to the public interest when owing to special circumstances or conditions, the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Vegetation, native means any plant species with a geographic distribution indigenous to all or part of the State of Florida.

Vehicle sign means a sign which covers more than twenty (20) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Vehicular use area means any ground surface area except public rights-of-way used by any type of vehicle for driving, parking, loading, unloading, storage or display. Vehicular use areas shall include new and used car lots, drive-in areas for banks, restaurants, service stations, grocery and dairy stores and other open lot uses, but shall not include areas on, under or within buildings. In any calculations of area, a vehicular use area shall include interior landscaped area but shall not include perimeter landscaped area.

Vested use shall mean a proposed development project or an existing structure or use, which in accordance with applicable Florida law or the specific terms of this chapter, is exempt from certain requirements of these land development regulations and/or the Comprehensive Plan.

Vested right means that a right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. There can be no vested right in a sign permit if a sign permit is applied for under a sign ordinance that is later partially or wholly adjudicated to be unconstitutional by a court of competent jurisdiction.

Veterinary services means any building or portion thereof designed or used for veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

Violation, for the purpose of floodplain regulation, means the failure of a structure or other development to be fully compliant with the floodplain regulations of the Jacksonville Beach Land Development Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Jacksonville Beach Land Development Code is presumed to be in violation until such time as that documentation is provided.

Waiver means a method of granting relief from the provisions of the Zoning Code

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

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Warning sign or *safety sign* means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

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

Watercraft shall mean every type of boat or vessel or craft intended to be used or capable of being used or operated, for any purpose, on waters within the City of Jacksonville Beach.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

Water-dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Wayfinding sign means a non-commercial government sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Week. Week means seven (7) calendar days.

Well means a pit or hole sunk into the earth to reach a resource supply such as water.

Wellfield means more than one (1) public potable water well owned by a public water supply utility in close proximity to each other.

Wellfield protection area means an area of setback distance around a public potable water well or wellfield where the most stringent measures are provided to protect the ground water sources for a potable water well and includes the surface and subsurface area surrounding the well.

Wellfield protection area map means a map showing the location of the boundary of each of the wellhead protection areas in the City.

Wetland means hydrologically sensitive areas which are identified by being inundated or saturated by surface or groundwater with a frequency or duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Buffer means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and ecological stability of the wetland.

Wetland, estuarine means the area of mixing of saline, marine waters with freshwater drainage from upland areas, and is subject to tidal inundation with a range of frequencies. The estuarine wetlands include the salt marsh and the estuarine forested wetland areas of the community.

Wetland, palustrine means areas adjacent to the estuarine wetlands, which may be informally defined as freshwater drainage features which may or may not have continuous connection to tidal waters.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include regulation sized flags on or affixed to permanent flag poles.

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Work program means a five-year capital improvement plan that is financially feasible, as defined by state statute, and which is adopted by the school district and the city and incorporated into the capital improvement element of the city's comprehensive plan. The work program itemizes planned public school facilities and includes the following: (a) all planned public school facilities, including new

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE III. DEFINITIONS

construction, expansions, and renovations that will create additional capacity, whether provided by the school district or through proportionate share mitigation; (b) existing and projected enrollment of public school facilities; (c) the year in which each planned public school facility will be undertaken; (d) the source of funding for each planned public school facility and the year in which the funding becomes available; (e) the capacity created by each planned public school facility; and (f) necessary data and analysis supporting the proposed work program.

Written. Written means any representation of words, letters or figures whether by printing or other form or method of writing.

Xeriscape means water conserving landscape design utilizing native or drought tolerant vegetation and water efficient irrigation systems.

Yard means a required open space on the same lot with a principal or accessory building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front means a yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

Yard, rear means a yard extending across the full width of the lots measured between the rear line of the lot and the rear line of the main building.

Yard, side means an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot, extending from the rear line of the front yard to the front line of the rear yard.

Year. Year means a calendar year, unless a fiscal year is indicated, or three hundred sixty-five (365) calendar days is indicated.

Zone of protection means that area within five hundred (500) feet of a public potable water supply well.

Zoning map shall mean the official record of the City of Jacksonville Beach depicting the zoning district classifications on property within the municipal limits of the City of Jacksonville Beach.

(Ord. No. 7500, § 4.1, 8-19-91; Ord. No. 94-7607, § 1, 8-15-94; Ord. No. 95-7617, § 1, 3-6-95; Ord. No. 95-7623, § 1, 5-1-95; Ord. No. 95-7627, § 1, 7-17-95; Ord. No. 96-7681, § 1, 10-21-96; Ord. No. 96-7689, § 1, 12-16-96; Ord. No. 99-7769, § 1, 8-16-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2005-7899, § 2, 4-4-05; Ord. No. 2006-7920, § 1, 4-3-06; Ord. No. 2010-7993, § 1, 7-19-10; Ord. No. 2010-7991, § 1, 9-7-2010; Ord. No. 2011-8008, § 1, 11-7-11; Ord. No. 2014-8042, § 1, 2-3-14; Ord. No. 2015-8064, § 1, 12-7-15; Ord. No. 2017-8101, § 1, 1-16-18; Ord. No. 2018-8104, § 2, 2-19-18; Ord. No. 2019-8115, § 2, 2-4-19; Ord. No. 2019-8118, § 2, 9-16-19; Ord. No. 2020-8131, § 2, 2-3-20; Ord. No. 2020-8133, § 3, 3-2-20; Ord. No. 2020-8145, § 3, 9-21-20; Ord. No. 2021-8168, § 2, 2-7-22)

Secs. 34-301—34-399. Reserved.

ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

DIVISION 1. GENERALLY

Sec. 34-400. General.

City Council, Planning Commission, Board of Adjustment, and other Officials are responsible for the short- and long-term growth and development of the City of Jacksonville Beach. The following Divisions outline their specific responsibilities.

Secs. 34-401—34-410. Reserved.

DIVISION 2. CITY COUNCIL

Sec. 34-411. Powers and duties.

In addition to any authority granted the City Council by general or special law, the City Council shall have the following powers and duties under the provisions of the LDC:

- (a) To initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Comprehensive Plan;
- (b) To initiate, hear, consider and approve, approve with conditions, or deny applications to amend the Future Land Use Map of the Comprehensive Plan;
- (c) To initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the text of the Code;
- (d) To initiate, hear, consider and approve, approve with conditions, or deny applications for development permits to amend the official Zoning Map of the Code;
- (e) To hear, consider and approve, approve with conditions, or deny applications for development permits for a planned unit development (PUD);
- (f) To serve as the Land Development Regulation Commission as required by F.S. § 163.3194;
- (g) To designate and appoint hearing officers to make decisions as the City Council may deem appropriate;
- (h) To take such other action not delegated to the Planning Commission, Board of Adjustment, Code Enforcement Board, hearing officer or heads of City Departments, as the City Council may deem desirable and necessary to implement the provisions of the Comprehensive Plan and the LDC.

(Ord. No. 7500, § 5.1(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-412—34-420. Reserved.

DIVISION 3. PLANNING COMMISSION

Sec. 34-421. Establishment and purpose.

There is hereby established a Planning Commission.

(Ord. No. 7500, § 5.2(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-422. Powers and duties.

The Planning Commission shall have the following powers and duties under the provisions of the LDC:

- (a) To serve as the Local Planning Agency (LPA), as required by F.S. § 163.3174;
- (b) To initiate the preparation of or cause to be prepared the Comprehensive Plan, or any element or portion thereof;
- (c) To initiate the preparation or cause to be prepared the LDC;
- (d) To initiate, review, hear, consider and make recommendations to the City Council to approve, approve with conditions, or deny applications for development permits to amend the text of the Comprehensive Plan;
- (e) To initiate, review, hear, consider, and make recommendations to the City Council to approve, approve with conditions, or deny applications to amend the Future Land Use Map of the Comprehensive Plan;
- (f) To initiate, review, hear, consider, and make recommendations to the City Council to approve, approve with conditions, or deny applications to amend the text of the LDC;
- (g) To initiate, review, hear, consider, and make recommendations to the City Council on applications for development permits to approve, approve with conditions, or deny amendments to the official Zoning Map of the LDC;
- (h) To hear, consider, and make recommendations to approve, approve with conditions, or deny applications for development permits for a Planned Unit Development or Redevelopment District;
- (i) To hear, consider, and approve, approve with conditions, or deny applications for development permits for conditional uses;
- (j) To make its special knowledge and expertise available upon written request and authorization of the City Council to any official, department, board, commission or agency of the City, state or federal governments;
- (k) To adopt or amended Bylaws to establish meeting procedures not inconsistent with this Section to govern the Planning Commission's proceedings; and
- (l) To initiate studies of the resources, possibilities and needs of the City and to report its findings and recommendations, with reference thereto, from time to time, to the City Council.

(Ord. No. 7500, § 5.2(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

Sec. 34-423. Commission membership.

- (a) *Qualifications.* Members of the Planning Commission shall be a resident of the City for two (2) years prior to appointment, and a qualified elector. No member of the City Council or a City employee shall serve on the Planning Commission. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
- (b) *Appointment.* The Planning Commission shall be composed of five (5) members, to be appointed by the City Council. The City Council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence. When any of the two (2) alternate members are in attendance they may participate throughout the meeting, however they are only allowed to vote during an absence of a regular member.

(Ord. No. 7500, § 5.2(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-424. Terms of office.

- (a) *Member.* All members serving on the Planning Commission on the effective date of the LDC shall complete their terms according to their prior appointments. The term of office of each member appointed under the LDC shall be for four (4) years. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.
- (b) *Alternate member.* The term of an alternate member of the Planning Commission shall be for four (4) years. When a person is appointed to fill out the term of a departing alternate member, that person's term shall end at the time the departing member's term would have ended.
- (c) No board member shall serve more than two (2) consecutive terms.

(Ord. No. 7500, § 5.2(D), 8-19-91; Ord. No. 94-7603, § 1, 6-20-94; Ord. No. 2001-7810, § 1, 7-16-01)

Sec 34-425. Removal from office.

- (a) In the event that any member is no longer a qualified elector or is convicted of a felony, or an offense involving moral turpitude while in office, the City Council shall terminate the appointment of such person as a member of the Planning Commission, and appoint a new member.
- (b) If any member of the Planning Commission fails to attend three (3) regular Planning Commission meetings without a valid or justifiable reason over a six-month period, the Planning and Development Department shall notify the City Council, who shall declare the member's office vacant, and appoint a new member.

(Ord. No. 7500, § 5.2(E), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

Sec. 34-426. Vacancy.

Whenever a vacancy occurs on the Planning Commission, the full time member's position shall be served by an alternate member until a permanent member can be appointed by the City Council. The City Council shall appoint the new member within thirty (30) days of the vacancy or may appoint an alternate to the position of full member.

(Ord. No. 7500, § 5.2(F), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-427. Officers; quorum; rules of procedure.

- (a) *Chair and vice-chair.* At an annual organizational meeting, which is set by the Planning Commission Bylaws, the members of the Planning Commission shall elect a chair and vice-chair from among its members. The chair and vice-chair's term shall be for one (1) year. No member shall serve as chair for more than two (2) consecutive terms. The Chair shall be in charge of all proceedings before the Planning Commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning Commission. In the absence of the chair, the vice-chair shall act as chair.
- (b) *Staff.* The Planning and Development Department shall be the professional staff of the Planning Commission.
- (c) *Quorum and voting.* The presence of three (3) or more members of the Planning Commission shall constitute a quorum of the Planning Commission necessary to take action and transact business. All actions shall require a simple majority of the quorum present.
- (d) *Rules of procedure.* The Planning Commission shall, by a majority vote of the entire membership, adopt Bylaws and shall keep a record of meetings, resolutions, findings and determinations. The Planning and Development Department may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

(Ord. No. 7500, § 5.2(G), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-428. Meetings.

- (a) *General.* Meetings of the Planning Commission shall be held twice a month to dispense of matters properly before the Planning Commission. Additionally, meetings may be called by the chair or at the request of three (3) members of the Planning Commission in writing. The location of all Planning Commission meetings shall be in the City of Jacksonville Beach in a place accessible to the public.
- (b) *Meetings open to public.* All meetings and public hearings of the Planning Commission shall be open to the public in a place accessible to the public.
- (c) *Notice.* Public hearings shall be set for a time certain after due public notice.

(Ord. No. 7500, § 5.2(H), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

Sec. 34-429. Compensation.

The members of the Planning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the City Council.

(Ord. No. 7500, § 5.2(I), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-430—34-440. Reserved.

DIVISION 4. BOARD OF ADJUSTMENT

Sec. 34-441. Establishment.

There is hereby established a Board of Adjustment.

(Ord. No. 7500, § 5.3(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-442. Powers and duties.

The Board of Adjustment shall have the following powers and duties under the provisions of the LDC:

- (a) To hear, review, consider and approve, approve with conditions, or deny variances to the terms of Site Development Standards of Article VII of the LDC. Variances shall only be granted from the dimensional standards of Article VI and the off-street parking or landscape standards of Article VII, except that a height variance or density variance shall not be permitted in any Zoning District. Variances shall not be granted to permit a use not generally allowed in the Zoning District in which it is located;
- (b) To make its special knowledge and expertise available upon written request and authorization of the City Council to any official, department, board, or commission of the City; and
- (c) To adopt or amended Bylaws to establish meeting procedures not inconsistent with this Section to govern the Planning Commission's proceedings.

(Ord. No. 7500, § 5.3(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-443. Board membership.

- (a) *Qualifications.* Members of the Board of Adjustment shall be a registered voter of the City of Jacksonville Beach for two (2) years prior to appointment, and qualified electors. No member of the City Council or a City employee shall serve on the Board of Adjustment. Although no specific experience requirements shall be necessary as a pre-requisite to appointment, consideration shall be given to applicants who have experience in planning, the law, architecture, natural resource management, real estate and related fields.
- (b) *Appointment.* The Board of Adjustment shall be composed of five (5) members appointed by the City Council. The City Council shall also appoint two (2) alternate members, a first alternate and a

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

second alternate. The alternates shall serve a four (4) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member who is absent.

- (c) *Terms of office.* All members serving on the Board of Adjustment on the effective date of the LDC shall complete their terms according to their prior appointments. The term of office of each member appointed under the LDC shall be four (4) years. No member shall serve more than two (2) consecutive terms. When a member is appointed to fill out the term of a departing member, that person's term will end at the time the departing member's term ends.
- (d) *Removal from office.*
 - (1) In the event that any member is no longer a qualified elector or is convicted of a felony, or an offense involving moral turpitude in office, the City Council shall terminate the appointment of such person as a member of the Board of Adjustment.
 - (2) If any member of the Board of Adjustment fails to attend three (3) regular Board of Adjustment meetings without a valid or justifiable reason over a six (6) month period, the Planning and Development Department shall notify the City Council who shall declare the member's office vacant and fill the vacancy.
- (e) *Vacancy.* When a member resigns or is removed, the first alternate member shall vote in his or her absence until a permanent member can be appointed. Any vacancy on the Board of Adjustment shall be filled by the City Council within thirty (30) days.

(Ord. No. 7500, § 5.3(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2020-8133 , § 4, 3-2-20)

Sec. 34-444. Officers; quorum; rules of procedure.

- (a) *Chair and vice-chair.* At an annual organizational meeting as established by Bylaws, the members of the Board of Adjustment shall elect a chair and vice-chair from among its members. The chair and vice-chair's term shall be for one (1) year. No member shall serve as chair for more than two (2) consecutive terms. The Chair shall be in charge of all procedures before the Board of Adjustment and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Board of Adjustment. In the absence of the chair, the vice-chair shall act as chair.
- (b) *Staff.* The Planning and Development Department shall be the professional staff for the Board of Adjustment.
- (c) *Quorum and voting.* The presence of three (3) or more members of the Board of Adjustment shall constitute a quorum of the Board of Adjustment necessary to take action and transact business. All actions shall require a simple majority of the quorum present.
- (d) *Disqualification.* If a member of the Board of Adjustment determines that they have private or personal interests in an issue that comes before the Board of Adjustment, they may disqualify themselves from participation in that issue. A member of the Board of Adjustment may be disqualified from participation on an issue by a majority vote of the Board of Adjustment, on the same grounds.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IV. DECISION MAKING AND ADMINISTRATIVE BODIES

- (e) *Rules of procedure.* The Board of Adjustment shall, by a majority vote of the entire membership, adopt Bylaws for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations. The Planning and Development Department may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be necessary.

(Ord. No. 7500, § 5.3(D), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-445. Meetings.

- (a) *General.* Meetings of the Board of Adjustment shall be held twice a month to dispose of matters before the board. If there is no new business on the agenda, the meeting will be cancelled, and a notice posted at City Hall along with social media outlets. Scheduled meetings may be moved due to a conflict and additional meetings may be added by the chair or in writing by three (3) members of the Board of Adjustment. All meetings shall be held in the City of Jacksonville Beach in a place accessible to the public.
- (b) *Continuance.* If a matter is postponed due to lack of a quorum, the chair shall continue the matter to the next scheduled meeting. In case of delays caused by other reasons, the public hearing shall be rescheduled to the next Board of Adjustment meeting. The Planning and Development Staff to the Board shall notify all members of the date of the continued public hearing and also shall notify all parties.
- (c) *Open to public.* All meetings and public hearings of the Board of Adjustment shall be open to the public.
- (d) *Notice.* Public hearings shall be set for a time certain after due public notice.
- (e) *Compensation.* Members of the Board of Adjustment may receive such travel and other expenses while on official business for the Board of Adjustment as are made available by the City Council for these purposes.

(Ord. No. 7500, § 5.3(E), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-446—34-460. Reserved.

Editor's note(s)—Ord. No. 7810, adopted 7-16-01, deleted Division 5, §§ 34-101—34-107 in its entirety and is replaced by a new Div. 5 as follows. Formerly, Div. 5 pertained to the Code Enforcement Board and derived from Ord. 7500, § 5.4(B)—(G) 8-19-91.

DIVISION 5. OTHER OFFICIALS

Sec. 34-461. Planning and Development Director or designee.

- *Creation and appointment.* The Planning and Development Director or designee shall be the agency head of the Planning and Development Department and shall be appointed by and serve at the pleasure of the City Manager.
- (b) *Jurisdiction, authority and duties.* In addition to the jurisdiction, authority and duties which may be conferred upon the Planning and Development Director or designee by other provisions of the City code, the City Council, the City Manager, and the Planning and Development Director or designee shall have the following jurisdiction, authorities and duties under the LDC:
 - (1) To review, consider and render interpretations of the text of the LDC or the official Zoning Map;
 - (2) To hear, consider and approve, approve with conditions, or deny applications for development permits for development plans;
 - (3) To undertake the day to day administration of the LDC;
 - (4) To receive applications for development permits for processing pursuant to the terms of the LDC;
 - (5) To ensure that adequate public notice is provided for applications for development permits pursuant to the terms of the LDC;
 - (6) To initiate requests to the City attorney to institute proceedings against the violators of the LDC;
 - (7) To undertake the current and long range comprehensive planning responsibilities of the City under F.S. § 163.3161 et seq. as amended, including all planning for land use, public facilities, and environmental resources;
 - (8) To review as needed and every five (5) years the Comprehensive Plan and the LDC and recommend amendments to the Planning Commission and City Council;
 - (9) To review, in a reasonable amount of time, the LDC following any Florida Building Code updates;
 - (10) To review annually the capital improvement program and capital improvement schedule and recommend amendments or updates to the Planning Commission and the City Council; and
 - (11) To coordinate other local, regional and state planning and permitting processes affecting development in the City and to serve as liaison to such local, regional, and state planning agencies having jurisdiction over development in the City.

(Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-462—34-499. Reserved.

ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

DIVISION 1. GENERAL APPLICABILITY

Sec. 34-500. Applicability.

The provisions of this division shall apply to every application for a development permit.

(Ord. No. 7500, § 6.1(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-501. Application and fees.

Every application for a development permit shall be in a form specified by the Planning and Development Department and shall be accompanied by a nonrefundable fee as is established from time to time by the City Council to defray the actual cost of processing the application.

(Ord. No. 7500, § 6.1(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-502. Preapplication conference.

A preapplication conference is mandatory prior to submission of an application for any development permit or approval.

Sec. 34-503. Public Hearings.

The Planning and Development Department shall be responsible for ensuring all public hearings adhere to Florida State Statute Chapter 166.041.

Table 34-503: Public Hearing Process

Rezoning	Small-Scale (under 50 acres) Land Use Amendment	Large-Scale (over 50 acres) Land Use Amendment	Text Amendment to the Comprehensive Plan	LDC Text changes	Conditional Uses	Variances
Community Redevelopment Agency (CRA) recommendation to CC if rezoning to RD	Planning Commission (recommendation to CC)	Planning Commission (recommendation to CC)	Planning Commission (recommendation to CC)	Planning Commission (recommendation to CC)	Planning Commission	Board of Adjustments
Planning Commission (recommendation to CC)	Introduction to CC	Transmittal to State by CC	Transmittal to State by CC	Introduction to CC	NA	NA
Introduction to CC	Final Hearing CC	State response period	State response period	Final Hearing CC	NA	NA
Final Hearing CC		Adoption by CC	Adoption by CC		NA	NA

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

Section 34-504. Public Notice

Table 34-504: Public Notice Procedures.

	Rezoning	Small-Scale (under 50 acres) Land Use Amendment	Large-Scale (over 50 acres) Land Use Amendment	Text Amendment to the Comprehensive Plan	LDC Text Changes	Conditional Uses	Variances
Distance for Noticing Residents (Feet)	300	300	300	300	N/A	300	300
Mailing Notices to Residents (postmarked)	15 days	15 days	15 days	15 days	N/A	15 days	15 days
Postings of Signs on the Property	1 sign every 200 feet of road frontage	1 sign every 200 feet of road frontage	1 sign every 200 feet of road frontage	N/A	N/A	1 sign every 200 feet of road frontage	1 sign every 200 feet of road frontage
Public Notice/ Advertisements**	10 days*	10 days*	10 days*	10 days*	10 days*	10 days*	10 days*

* Calendar days prior to each Public Hearing.

** Newspaper Advertisement must follow FSS 166.041(3)(c).2.b.

Note: Additional application requirements provided in specific Sections below.

Sec. 34-505. Actions by decision-making persons and bodies.

- (a) *General.* All decision-making persons and bodies shall act in accord with the time limits established in this Code. Action shall be taken as promptly as possible in consideration of the interests of the citizens of the City of Jacksonville Beach.
- (b) *Findings.* All decisions shall be in writing and shall include at least the following elements:
 - (1) A summary of the information presented before the decision-making body;
 - (2) A summary of all documentary evidence provided to the decision-making body on which the decision-making body considered in making its decision; and
 - (3) A clear statement of specific findings of fact and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in the LDC.

Sec. 34-506. Successive applications.

Whenever any application for a development permit or an application requiring a public hearing is denied for failure to meet the substantive requirements of the LDC, an application for all or a part of the same land shall not be considered for a period of one (1) year after the date of denial.

- (a) The applicant may submit a new applicant within the one (1) year if the subsequent or new application is materially different from the prior request.

- (1) For the purposes of this Section, an application shall be considered materially different if it involves a change in land use, decrease in density or intensity, or the application expressly satisfies the deficiencies that were identified in the prior denial.
- (2) The Planning and Development Director or designee shall resolve any question concerning the similarity of a second application or other questions which may develop under this Section.

Sec. 34-507. Suspension of development review proceedings.

At the discretion of the Planning and Development Director or designee, any application may be suspended during the pendency of a code enforcement proceeding pursuant to Article XII, Enforcement Proceedings and Penalties, involving all or a portion of the land proposed for development.

Secs. 34-508—34-515. Reserved.

DIVISION 2 COMPREHENSIVE PLAN AMENDMENTS

Sec. 34-516. Purpose.

The purpose of this Section is to provide a means for changing the boundaries of the Future Land Use Map of the Comprehensive Plan or the text of the Comprehensive Plan. It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Council shall consider, in addition to the factors set forth in this Section, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

(Ord. No. 7500, § 6.2(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-517. Authority.

The City Council may amend the boundaries or text of the Future Land Use Map upon compliance with the provisions of this Section.

(Ord. No. 7500, § 6.2(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-518. Initiation.

The Planning and Development Director or designee, City Council and Planning Commission may request staff to prepare site specific changes, and Comprehensive Plan text amendments.

(Ord. No. 7500, § 6.2(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-519. Submission of application.

Prior to submitting an application for a development permit for an amendment to the Comprehensive Plan or the Future Land Use Map, an applicant shall request in writing a preapplication conference with the Planning and Development Director or designee.

(Ord. No. 7500, § 6.2(D), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-520. Contents of application and sufficiency.

The application shall be submitted in a form established by the Planning and Development Department and made available to the public, and may include a traffic impact study, as may be required by the Director. The Planning and Development Department will inform the applicant when the application is sufficient.

Sec. 34-521. Review, report and recommendation.

If the application is determined to be sufficient the Director or their designee shall review the application, prepare a staff report and a recommendation of approval, approval with conditions, or disapproval based on the standards in Section 34-538(c). The Planning and Development Department shall send a copy of the staff report to the applicant approximately one week before the Planning Commission hearing along with notification of the time and place the application will be considered. Public Hearings for these applications shall follow Section 34.503 above.

Secs. 34-522—34-530. Reserved.

**DIVISION 3. ZONING MAP (REZONINGS) AND LAND DEVELOPMENT CODE TEXT
AMENDMENTS**

Sec. 34-531. Purpose.

The purpose of this Section is to provide a means for changing the text of this Code, or the boundaries of the official Zoning Map. It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Council shall consider, in addition to the factors set forth in this Section, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

(Ord. No. 7500, § 6.3(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-532. Authority.

The City Council may amend the text of the LDC, or the boundaries of the official Zoning Map upon compliance with the provisions of this division.

(Ord. No. 7500, § 6.3(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-533. Initiation.

The Planning and Development Director or designee, City Council and Planning Commission may request staff to prepare changes to the Zoning Map and the Text of the Land Development Code. The City Council, the Planning Commission, the Planning and Development Director or designee may initiate general amendments to the Land Development Code when needed.

(Ord. No. 7500, § 6.3(C), 8-19-91; Ord. No. 2020-8133 , § 5, 3-2-20)

Sec. 34-534. Submission of application.

Prior to submitting an application for a development permit for an amendment to the official Zoning Map, an applicant shall request in writing a preapplication conference with the Planning and Development Director or designee. Applications may be submitted by the property owner or another person having contractual interest in the property affected by the proposed rezoning or their agent.

Sec. 34-535. Contents of application and sufficiency.

The application shall be submitted in a form established by the Planning and Development Department and made available to the public, and may include a traffic impact study, as may be required by the Director. The Planning and Development Department will inform the applicant when the application is sufficient.

Sec. 34-536. Review, report and recommendation.

If the application is determined to be sufficient, the Director or their designee shall review the application, prepare a staff report and a recommendation of approval, approval with conditions, or disapproval based on the standards in Section 34-538(c). The Director or their designee shall send a copy of the staff report to the applicant approximately one week before the Planning Commission hearing along with notification of the time and place the application will be considered.

Sec. 34-537. Action by Planning Commission.

The Planning Commission shall conduct a public hearing on the application pursuant to the procedures in Sections 34-504 and 34-506, and after close of the public hearing recommend to the City Council approval, approval with conditions, or denial of the application for development permit. In reviewing and making a recommendation, the Planning Commission shall apply the standards in Section 34-538(c). (Ord. No. 7500, § 6.3(J), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-538. Action by City Council following public hearing.

- (a) After the review and recommendation of the Planning Commission, the application shall be scheduled for consideration at two (2) public hearings by the City Council, pursuant to Section 34-503.
- (b) Due to the quasi-judicial nature of the application, the City Council shall consider the application, all relevant supporting materials, the staff report, the recommendation of the Planning Commission, and the testimony given at the public hearing.
- (c) After the close of the public hearing or hearings, whichever is appropriate, the City Council shall consider the adoption of an ordinance enacting the proposed amendment based on one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.
 - (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 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;
 - (5) 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;
 - (6) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
 - (7) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern consistent with the definition of compatibility as defined in FSS 163.3164(9) and would not constitute spot zoning as defined in Article III;
 - (8) 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.
- (d) The City Council shall adopt the proposed amendment or the proposed amendment as modified, by not less than a majority of the quorum present at the public hearing.

Secs. 34-539—34-545. Reserved.

DIVISION 4. CONDITIONAL USES

Sec. 34-546. Purpose.

Conditional uses are those uses which are generally not compatible with the other land uses permitted in a Zoning District, but with individual review and control of their location, design, configuration and intensity and density of use, buildings and structures, and the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, may be permitted in the Zoning District as a conditional use.

(Ord. No. 7500, § 6.4(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-547. Authority.

The Planning Commission, in accordance with the procedures, standards and limitations of this Section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use after consideration of the report from the Planning and Development Department.

(Ord. No. 7500, § 6.4(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2020-8133, § 5, 3-2-20)

Sec. 34-548. Authorized conditional uses.

Only those uses which are authorized as conditional uses in Article VI, Division 2 may be approved as conditional uses. The designation of a use as a conditional use in a Zoning District in Article VI, Division 2 does not constitute an authorization of such use or an assurance that such use will be approved under the LDC; rather, each proposed conditional use shall be evaluated by the Planning and Development Department and the Planning Commission for compliance with the standards, individual criteria, and conditions set forth in this Section and the applicable Zoning District.

(Ord. No. 7500, § 6.4(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-549. Initiation.

An application for a development permit for a conditional use shall be submitted by the owner, or any other person having a written contractual interest in the land for which the conditional use is proposed, or their authorized agent.

(Ord. No. 7500, § 6.4(D), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-550. Submission of application.

An application for a development permit for a conditional use shall be submitted to the Planning and Development Department along with a nonrefundable application fee which is established by the City Council from time to time to defray the actual cost of processing the application.

If the applicant is not the owner of the property, an owner authorization form, provided by the Planning and Development Department, must be provided.

Sec. 34-551. Contents of application and sufficiency.

The application shall be submitted in a form established by the Planning and Development Department and made available to the public, and may include a traffic impact study as may be required by the Director. The Planning and Development Department will inform the applicant when the application is sufficient.

Sec. 34-552. Review, report and recommendation.

If the application is determined to be sufficient, the Planning and Development Department shall review the application, prepare a staff report and a recommendation of approval, approval with required conditions, or disapproval based on the standards in the Section below and any applicable specific standards and individual criteria in Division 4 of this Section. The Planning and Development Department shall send a copy of the staff report to the applicant approximately one week before the Planning Commission hearing along with notification of the time and place the application will be considered.

Sec. 34-553. Standards applicable to all conditional uses.

When considering an application for development permit for a conditional use, the Planning Commission shall consider whether and the extent to which:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

- (a) The conditional use is consistent with the visions, intents and strategies of the Comprehensive Plan, including standards for building and commercial intensities and densities, and intensities of use;
- (b) The conditional use is compatible with existing permissible uses in the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the Zoning District in which it is proposed;
- (c) The design of the proposed conditional use minimizes adverse effects, including visual impact such as massing, of the proposed use on adjacent properties, and provides adequate screening and buffering;
- (d) The proposed conditional use will not have an adverse effect on the permitted uses of the Zoning District where it is located;
- (e) The proposed conditional use will not have a demonstrated adverse effect on the value of adjacent property;
- (f) There are adequate public facilities and services pursuant to Article IX, Adequate Public Facility Standards;
- (g) There is adequate ingress and egress to the proposed conditional use;
- (h) The proposed conditional use is consistent with the requirements of the LDC;
- (i) The applicant has guaranteed the provision of open space and other improvements, as may be required, associated with the proposed conditional use;
- (j) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the Comprehensive Plan authorizing such use and all other applicable requirements of the LDC including specific conditional uses below.

(Ord. No. 7500, § 6.4(K), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-554. Conditions.

The Planning Commission may impose or amend such conditions, beyond those already required in this LDC, on a conditional use that are necessary to accomplish the purposes of the Comprehensive Plan and the LDC to prevent or minimize adverse effects upon the public and the environment in the neighborhood, including, but not limited to: limitations on size, bulk and location; requirements for landscaping, buffering, lighting, adequate ingress and egress and other on-site or off-site, project-related improvements; and hours of operation. Such conditions, if determined necessary by the Planning Commission, shall be made part of the development order for the conditional use.

(Ord. No. 7500, § 6.4(L), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-555. Assignability and transferability.

A development order for a conditional use may be assignable or transferable if the request is not a change of use or increase in intensity pursuant to the determination of the Planning and Development Department Director or designee. This Section shall not apply to the assignment or transfer of ownership of an individual dwelling unit, or multiple-family structure. The Director retains the right to request Planning Commission to review the request for transferability.

(Ord. No. 7500, § 6.4(M), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2006-7916, § 1, 4-3-06)

Sec. 34-556. Time limit.

The Planning Commission may establish a reasonable time limit within which a building permit for the conditional use must be issued. If a building permit is not issued within this time limit, the development order for the conditional use shall become null and void. Only one (1) extension for up to one (1) year in length may be granted by the Planning Commission for the conditional use, upon application to the Planning and Development Department, and a showing of good cause. No request for an extension shall be considered unless an application requesting the extension is submitted to the Planning and Development Department no later than thirty (30) working days prior to the date the development order is to expire.

(Ord. No. 7500, § 6.4(N), 8-19-91; Ord. No. 7810, § 1, 7-16-01)

Sec. 34-557. Amendments to permits for conditional uses.

A development order for a conditional use may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approving body.

Sec. 34-558. Criteria for Specific Conditional Uses

The specific standards for certain conditional uses are below. Each Zoning District lists which uses are conditional.

- (a) *Accessory Dwelling Units (ADU's).*
 - (1) Accessory dwelling units are only permissible by conditional use and if located within RM-1 and RM-2 Zoning Districts.
 - (2) Parcel-The subject parcel shall only contain one (1) single-family dwelling unit at the time of application.
 - (3) Minimum Lot Size: 5,000 square feet.
 - (4) Minimum Square Footage: the ADU size shall be limited to 350-500 square feet.
 - (5) Minimum Parking Required: one (1) space for the ADU and two (2) spaces for existing single-family dwelling unit (garage not included).
 - (6) Compatibility: The ADU must be compatible in design and materials as the primary structure.
 - (7) Height: shall not exceed fifteen (15) feet in height.
 - (8) Permanency: the structure shall be secured to the ground per Florida Building Code (as amended).
 - (9) Ownership: The existing single-family residence must be owner occupied and file a notarized affidavit to that effect.
 - (10) Utilities: There shall only be one (1) electrical meter and water meter for both the single-family residence and the ADU.
- (b) *Amusement parks.*
 - (1) *Minimum Lot Size.* At least five (5) acres in size.

- (2) *Off-Street Parking.* Parking areas shall not be separated from principal structure by any public road.
- (3) *Required Spaces.* Must be in accordance with Article VII Division 1, as amended.
- (4) *Setbacks.*
 - a. *Front.* Not less than twenty-five (25) feet from front property line.
 - b. *Rear.* Not less than twenty-five (25) feet from rear property line.
 - c. *Side.* Not less than twenty (20) feet from side property lines, unless a corner lot, then setback shall be the same as the front setback.
 - d. *Corner Lot.* No structure erected on a corner lot shall be closer than thirty (30) feet to the public right-of-way.
- (c) *Automated Car Washes.*
 - (1) The automated car wash shall be limited to no more than three vacuum machines each capable of vacuuming no more than two vehicles at any one time.
 - (2) The automated car wash shall be contiguous to a street classified as minor arterial or higher classification.
 - (3) The entrance and exit openings to the car wash shall be oriented away from any adjacent conforming residential uses.
 - (4) A 15-foot wide buffer shall be provided between the property and any institutional use, office use, or any conforming residential use.
 - (5) The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - (6) Lighting shall be so designed and installed so as to prevent glare or excessive light on adjacent property. No sources of illumination shall be allowed if such source of illumination would be visible from a residentially-zoned district to the extent that it interferes with the residential use of that area.
 - (7) All primary structures, accessory structures, and roofs shall use consistent architectural themes and colors and shall be consistent with any adopted design guidelines.
 - (8) Any signage provided on an accessory car wash shall be deducted from the allowable wall signage of the primary structure.
 - (9) Car washes and vacuums shall not be located within 100 feet of any conforming residential use.
- (d) *Camps and RV Parks.*
 - (1) An RV park or campground shall be located so that no entrance or exit from park shall discharge traffic into a residential district. An RV park or campground fronting on a public street shall have a minimum frontage of 100 feet.
 - (2) Spaces in RV parks and campgrounds may be used by RVs, pickup campers, converted buses, tent trailers, tents or similar devices used for temporary portable housing. Permanent

occupancy (occupancy for more than 120 days) for dwelling purposes in this equipment is prohibited. Spaces shall be rented by the day, week or month.

- (3) Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities and other uses and structures customarily incidental to the operation of an RV park or campground are permitted as accessory uses to the park in a district in which RV parks or campgrounds are permitted. In addition, stores, restaurants, laundry and dry cleaning agencies, beauty parlors, barbershops and other convenience establishments shall be permitted as accessory uses in RV and districts where these uses are not allowed as principal uses, subject to the following restrictions:
 - a. These establishments and the parking areas primarily related to their operation shall not occupy more than ten (10) percent of the area of the park.
 - b. These establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
 - c. The structures housing these facilities shall not be located closer than 100 feet to a public street.
 - (4) No space intended for occupancy under this Section shall be located so that a part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of an arterial street or within 25 feet of the right-of-way line of another street.
 - (5) Twenty-five-foot front, rear and side yards shall be provided for the campgrounds and RV parks.
 - (6) Entrances and exits to RV parks and campgrounds shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. Traffic into or out of the park shall be through the entrances and exits.
 - (7) Each RV park or campground shall provide adequate off-street parking, loading and maneuvering space.
- (e) *Child Day Care Services.*
- (1) Child day care services, including day nurseries, kindergartens and child care centers, shall be subject to the following conditions:
 - a. *Lot area.* The minimum lot area shall be not less than seven thousand five hundred (7,500) square feet except for lots of record platted prior to the adoption of the LDC.
 - b. *Outdoor play area.* A fenced outdoor play area, which complies with all applicable state requirements, shall be provided in the rear yard.
 - c. *Compliance with state standards.* All facilities, operation and maintenance shall meet all applicable City and state regulations for such use.
 - d. *Capacity.* An application for a conditional use shall state the maximum number of children to be accommodated, and in no case shall the number of children approved for the conditional use be exceeded.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

e. *Parking.* An adequate number of parking spaces shall be provided for employees and business owners, as well as a sufficient drop off area for children.

(f) *Commercial Use in Residential Zoning District.*

- (1) There are limited commercial uses permitted within the RM-1 and RM-2 residential Zoning Districts as conditional uses. Unless listed otherwise, uses which are not residential in nature shall follow the following standards to ensure compatibility within the surrounding area. The conditional use approval may be transferrable between owners.
- (2) *Access-* The subject parcel shall be accessed from a collector roadway or higher.
- (3) *Uncomplimentary Buffers-* if the parcel is adjacent to an existing residential parcel, there shall be a ten (10) foot wide, 100% opaque buffer along the perimeter adjacent to the residential parcel.
- (4) *Lighting-* Illumination levels at all property lines shall not exceed one-half (.5) footcandles ("f.c.") when the building or parking areas are located adjacent to residential areas and shall not exceed one (1.0) f.c. when abutting other non-residential properties.
- (5) *Compatibility-* The commercial use shall not emit noise, smoke, fumes, dust, odor or otherwise be incompatible if located in a predominantly residential area.
- (6) *Height-* The height shall not exceed the prevailing height of the block.

(g) *Funeral Homes.*

- (1) The structures housing these facilities shall not be located closer than 100 feet to a public street.
- (2) The structures housing these facilities shall not be located within 100 feet of any conforming residential use.

(h) *Halfway Houses.*

- (1) Notwithstanding anything to the contrary in the LDC, the occupancy of a rooming house shall not exceed any applicable occupancy limitation otherwise required by any federal, State or local law, rule or regulation.
 - a. Shall contain a ten (10) foot wide, 100% opaque buffer surrounding the property.
 - b. Chain link fences shall not be allowed in any yards along public streets (not including alleys), and must be located at least six (6) feet behind the closest vertical plane of the primary structure.
 - c. The use shall comply with all applicable City property maintenance and unsafe building codes.
 - d. Twenty-four-hour, on-site management shall be required.

(i) *Hospitals and Freestanding Emergency Centers.*

- (1) The structures housing these facilities shall not be located closer than 100 feet to a public street.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

- (2) The structures housing these facilities shall not be located within 100 feet of any conforming residential use.
- (j) *Hotels and Motels.*
 - (1) For hotels and motels within the CBD, the following site design standards shall apply.
 - a. *Minimum Site Size.* An area of not less than one-half (1/2) acre having a minimum width of not less than one hundred (100) feet (50 of which must be roadway frontage) and a depth of not less than two hundred (200) feet.
 - b. *Off-Street Parking.* Parking areas should not be separated from principal structure by any public road unless proper pedestrian safety standards are met. Off-site parking areas must be zoned consistent with the principal use.
 - c. *Required Spaces.* Motels/hotels shall have one (1) space per unit plus one (1) space for each two (2) employees.
 - d. *Visual Barrier.* Trash receptacles must be enclosed by a visual barrier as required to public works standards.
- (k) *Junk and Salvage Yards.*
 - (1) Junk and salvage yards shall be screened from any public road and from any residential Zoning District pursuant to Section 34-720.
 - a. Any storage or dismantling of vehicles or machinery shall be conducted in a manner that does not pollute surface or ground water resources.
 - b. This use shall be at least 1,000 feet from any unassociated water bodies, marsh, environmentally sensitive lands, wellhead protection areas, conservation-protected estuarine wetlands, and any beach and dune systems.
- (l) *Rooming and Boarding Houses.*
 - (1) Notwithstanding anything to the contrary in the LDC, the occupancy of a rooming house shall not exceed any applicable occupancy limitation otherwise required by any federal, State or local law, rule or regulation.
 - a. Shall contain a ten (10) foot wide, six (6) feet in height, and 100% opaque buffer when adjacent to residential uses or zoning districts. The buffer shall contain an opaque screen composed of either living plant materials or durable non-living materials, such as fences or walls and trees.
 - b. Chain link fences shall not be allowed in any yards along public streets (not including alleys), and must be located at least six (6) feet behind the closest vertical plane of the primary structure.
 - c. The use shall comply with all applicable City property maintenance and unsafe building codes.
 - d. Twenty-four-hour, on-site management shall be required.
- (m) *RV and Boat Storage.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

- (1) At least twenty (20) percent of the site shall be in open space. Landscape buffers, setbacks, wetlands and other existing and planted vegetated areas may be used to achieve these twenty (20) percent requirement.
 - (2) Drive aisles shall be paved with concrete, asphalt, asphalt millings or other material approved by the Planning and Development Director or designee. Storage areas may utilize alternative materials. All other areas shall be landscaped and/or grassed.
 - (3) All drive aisles shall be designed with one (1) ten (10) foot wide loading/unloading lane and one (1) fifteen (15) foot travel lane.
 - (4) The site shall be secured with a wall or fence that is at least six (6) feet in height. Walls must be finished or painted on the exterior side. Razor wire and electric fences are not permitted. No opacity shall be required along a boundary of the site adjacent to wetlands, platted open space or areas subject to a conservation easement that preserves vegetation sufficient to screen the site from view across such areas. A wrought-iron fence (or fence resembling wrought iron) may be utilized in conjunction with a hedge or natural vegetation that provides for 100% opacity within two (2) years of the time of planting.
- (n) *Service Stations and Gasoline Sales.*
- (1) The following regulations shall apply to the location, design, construction, operation and maintenance of a new construction automotive service stations and other gas dispensing and sales facilities. The conditional use approval may be transferrable between owners.
 - a. *Development plan.* A development plan which meets the requirements of Section 34-586 et seq., shall be required to be submitted prior to the approval of any service station or gasoline dispensing use.
 - b. *Lot frontage.* A service station or gas dispensing facility site shall be of adequate width and depth to meet any setback requirements, and in no case shall minimum frontage on a street be less than one hundred twenty-five (125) feet.
 - c. *Lighting.* All lights and lighting shall be designed and arranged to prevent any source of light from causing glare or being uncomfortably harsh when viewed from any residential window in a residential Zoning District.
 - d. *Structure, pump, and storage tank setbacks.* No main or accessory building, gasoline pump or storage tank shall be located closer than twenty-five (25) feet from any land that is in a residential Zoning District. The main service station building shall conform to all street frontage setbacks applicable to the Zoning District. Gasoline pumps, tanks and pump islands shall be located no closer than fifteen (15) feet to any street side property line. Pumps, tanks, vents, pump islands and pump island canopies shall conform to side and rear setback requirements for other structures in the Zoning District in which the station is located, provided no such pumps, tanks, vents, pump islands or pump island canopies shall be located closer than twenty-five (25) feet to any side or rear property line.
 - e. *Storage tanks.* Storage tanks shall be located below grade.

- f. *Access driveways and curb cuts.* No more than two (2) curb cuts per one hundred twenty-five (125) feet of street frontage shall be permitted for service station and gas dispensing facilities. Curb cuts shall not exceed thirty (30) feet in width, exclusive of curb returns and shall be located no closer than thirty (30) feet from the right-of-way lines of any intersection. Curb cuts shall not be closer than fifteen (15) feet from any other property line. Any two (2) driveways providing access to a single street shall be separated by an island with a minimum width of twenty (20) feet.
 - g. *Limitations.* The permissible uses at a service station shall not include major mechanical and body work, straightening of body parts, painting, welding, storage of inoperable vehicles or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.
 - h. *Buffers.* Where lots which are to be used for service stations or gas dispensing facilities abut any property which is in a residential Zoning District or used for residential purposes, a solid, concrete block wall with a cap shall be installed on all property lines other than street lines. The wall shall have a minimum height of six (6) feet in height and shall be continuous and unpierced, except that no wall or other obstruction shall be permitted to exceed four (4) feet in height within fifteen (15) feet of a street line.
- (o) *Shooting Galleries*
- (1) Only indoor shooting galleries are permitted.
 - (2) *Minimum Room Length.* The room length in which the actual firing range is to be built shall be at least seventy-five (75) feet long for a fifty (50) foot range, to allow eight (8) feet (minimum) each for the bullet stop and firing line, plus a nine (9) foot assembly and supervisory area.
 - (3) *Minimum Firing Point Width.* The minimum firing point width shall be 3.5 feet. The Firing Point is that part of the range immediately in the rear of the firing line from which firing takes place.
 - (4) *Off-Street Parking.* Parking areas should not be separated from principal structure by any public road.
 - (5) *Required Spaces.* Must be in accordance with Article VII Division 1, as amended.
 - (6) *Setbacks.*
 - a. *Front.* Not less than twenty-five (25) feet from front property line.
 - b. *Rear.* Not less than twenty-five (25) feet from rear property line.
 - c. *Side.* Not less than twenty (20) feet from side property lines, unless a corner lot, then setback shall be the same as the front setback.
 - d. *Corner Lot.* No structure erected on a corner lot shall be closer than thirty (30) feet to the public right-of-way.
 - (7) The following additional conditions shall be satisfied:

- a. The range is physically secure so as to prevent unauthorized use or accidental trespassing. Warning signs identifying the use shall be displayed.
- b. The floor or framework can support the weight of the backstop or bullet trap. Unless fire code requires emergency exit doors and windows, downrange must be permanently shut and either covered or baffled or a combination of the two with bullet-resistant material. The walls, floors, and ceiling must be modified accordingly.
- c. A mechanical exhaust ventilation system and diffused air supply must be installed.
- d. No metal should be placed at right angles to the line of fire.
- e. Adequate lighting must be provided.
- f. The walls, ceiling, and floor must be treated with effective sound-absorbent materials.
- g. Techniques of sound reduction (sound absorbing material coat, acoustic material, carpeting, or baffling) shall be implemented.

(Ord. No. 7500, § 8.2(O), 8-19-91)

Secs. 34-559—34-565. Reserved.

DIVISION 5. VARIANCES

Sec. 34-566. Purpose.

Variances are deviations from the terms of the LDC which would not be contrary to the public interest when owing to special circumstances or conditions, the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship. Variances shall not be inconsistent with the Comprehensive Plan. It is understood that the granting of a variance shall not create a precedence for future requests.

(Ord. No. 7500, § 6.6(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-567. Authority.

The Board of Adjustment, in accordance with the procedures, standards and limitations of this Section shall approve, approve with conditions, or deny an application for development permit for a variance after recommendation by the Planning and Development Department.

(Ord. No. 7500, § 6.6(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-568. Authorized variances.

Variances shall only be granted from the dimensional standards of Article VI, the off-street parking or landscape standards of Article VII, and the Subdivision Standards of Article VIII within the LDC, except that a height variance shall not be permitted in any Zoning District. Variances shall not be granted to permit a use not generally allowed in the Zoning District in which it is located.

Variances may not be requested for relief from:

- (a) Maximum building height
- (b) Residential density
- (c) Minimum lot area requirements
- (d) Maximum sign dimensional standards

(Ord. No. 7500, § 6.6(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2020-8133 , § 5, 3-2-20)Sec. 34-284. Initiation.

Sec. 34-569. Submission of application.

Prior to submitting an application for a Variance, an applicant shall request in writing a preapplication conference with the Planning and Development Director or designee. An application for a development permit for a variance shall be submitted by the owner or other person having a written contractual interest in the land for which the variance is proposed. If the applicant is not the owner of the property, an owner authorization form, provided by the Planning and Development Department, must be provided.

An application for a development permit for a variance shall be submitted to the Planning and Development Department 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.

Sec. 34-570. Contents of application and sufficiency.

The application shall be submitted in a form established by the Planning and Development Department and made available to the public, and may include a traffic impact study as may be required by the Director. The Planning and Development Department will inform the applicant when the application is sufficient.

Sec. 34-571. Review, report and recommendation.

If the application is determined to be sufficient the Director or their designee shall review the application, prepare a staff report and a recommendation of approval, approval with conditions, or disapproval based on the standards in the Section below. The Director or their designee shall send a copy of the staff report to the applicant approximately one week before the Board of Adjustment hearing along with notification of the time and place the application will be considered.

Sec. 34-572. Standards applicable to all variances.

In order to authorize any variance from the terms of this Code, the Board of Adjustment must find that:

- (a) There are conditions or circumstances that exist which prevent compliance with site design and development standards, or which are unique to the parcel of land, building or structure;
- (b) The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship;
- (c) There would be no special privileges afforded to the applicant by granting a variance that is not available to other parcels of land, building or structures with similar conditions or circumstances;

- (d) Strict interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other parcels of land and would provide an unnecessary and undue hardship;
- (e) The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure; and
- (f) The variance(s) request, if granted, will not result in the creation of a public nuisance.

(Ord. No. 7500, § 6.6(F), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-573. Conditions.

The Planning and Development Department may recommend, and the Board of Adjustment may impose, such conditions on variances as are necessary to accomplish the visions, intents and strategies of the Comprehensive Plan and this Code including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, provisions of adequate ingress and egress, on and off-site project-related improvements, and reasonable time limits within which the variance shall be initiated and completed.

(Ord. No. 7500, § 6.6(H), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-574. Administrative variance.

Notwithstanding the other provisions of Division V, the Planning and Development Director or designee may issue an administrative variance from the dimensional standards of Article VI and the off-street parking and loading or landscape standards of Article VII of the LDC (except that a height variance shall not be permitted in any Zoning District) if the proposed application for an administrative variance complies with the standards of Section 34-592. For the purposes of this Section, an administrative variance is a variance that does not vary from the relevant dimensional, off-street parking and loading, or landscape standards by more than ten (10) percent.

Secs. 34-578—34-585. Reserved.

DIVISION 6. DEVELOPMENT PLAN REVIEW

Sec. 34-586. Purpose.

Development plans shall be required in accordance with the provisions of this Section in order to ensure that the proposed development complies with the site development standards in Article VII and other requirements of the LDC, and to otherwise protect the public health, safety and general welfare of the citizens of the City of Jacksonville Beach.

(Ord. No. 7500, § 6.5(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-587. Applicability.

A development order for a development plan is required prior to receipt of a building permit for any nonresidential development or any residential development of three (3) dwelling units or more.

Sec. 34-588. General description of development plan review.

An application for a development permit requesting approval of a development plan shall be reviewed and approved, approved with conditions, or denied by the Planning and Development Director or designee.

(Ord. No. 7500, § 6.5(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-589. Initiation.

Prior to submittal of an application, a pre-application meeting shall be completed with the Planning and Development Department and all relevant City Departments. An application for a development permit for a development plan shall only be submitted by the owner, or any other person having a contractual interest in the land, or their authorized agent.

(Ord. No. 7500, § 6.5(D), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-590. Submission of application.

An application for a development permit for a development plan shall be submitted to the Planning and Development Department 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.

Sec. 34-591. Contents of application and sufficiency.

The application shall be submitted in a form established by the Planning and Development Department and made available to the public, and may include a traffic impact study as may be required by the Director. The Planning and Development Department will inform the applicant when the application is sufficient.

Sec. 34-592. Review, report and recommendation.

If the application is determined to be sufficient, the Planning and Development Department shall prepare the application for review by the appropriate City Departments. Upon completion of the review, the Planning and Development Department will prepare a staff report and a statement of approval, approval with conditions, or disapproval based on the standards in the Section below. The Planning and Development Department shall send a copy of the staff report to the applicant at the time that the report is completed.

Sec. 34-593. Standards.

A development plan shall comply with the following standards:

- (a) *Consistency with Comprehensive Plan.* It shall be compatible with the visions, intents and strategies of the Comprehensive Plan.
- (b) *Compatible with surrounding land uses.* It shall be compatible with surrounding land uses.
- (c) *Not deter surrounding undeveloped properties.* It shall not hinder, deter, or impede development of surrounding undeveloped land in accordance with the Comprehensive Plan.

- (d) *Adequate public facilities.* It complies with Article IX, Adequate Public Facility Standards. The provision of adequate public facilities for the proposed development shall be consistent with the CIE of the Comprehensive Plan.
- (e) *Design and layout of development.* It shall be adequately designed so that the general layout of the proposed development will be compatible with surrounding permissible land uses and existing properties.
- (f) *Ingress and egress, and internal traffic circulation.* It shall provide adequate ingress and egress to the land proposed for development, provide adequate separation of automotive and pedestrian traffic, and provide adequate internal traffic circulation. If the property is located along an approved Urban Trail, every effort shall be made to incorporate the trail into the design.
- (g) *Screens and buffers.* It shall provide adequate screens and buffering to ensure compatibility with land uses internal and external to the proposed development.
- (h) *Open space.* It shall provide adequate open space and on-site recreational facilities, consistent with the citywide goals, objectives, and standards established in the Comprehensive Plan or be required to contribute to the park fund.
- (i) *Site development standards.* It shall comply with the site development standards of Article VII of the LDC.

(Ord. No. 7500, § 6.5(I), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-594. Conditions.

The Planning and Development Director or designee and City Departments such as Public Works, Fire, and Beaches Energy Servicess shall have the authority to impose such conditions on a development plan that are necessary to accomplish the purposes of this Section, the LDC, and the Comprehensive Plan.

(Ord. No. 7500, § 6.5(J), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-595. Effect of development order for a development plan.

Issuance of a development order for a development plan shall be deemed to authorize the applicant to submit to the City Council a final plat pursuant to the procedures and standards of Article VIII, Subdivision Standards, and then an application for a building permit. A final plat, however, cannot be submitted until the improvements for the proposed development are in place or bonded, as determined by the Public Works Department.

(Ord. No. 7500, § 6.5(L), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-596. Time limitations.

Receipt of a development order for a development plan shall expire at the end of two (2) years after the date of its initial approval if an application for a final plat and/or a building permit is not submitted. Only one (1) extension, up to one (1) year in length shall be granted for the development plan by the Planning and Development Department, upon written application to the Planning and Development Department and a showing of good cause. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning and Development Department no

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE V. DEVELOPMENT REVIEW PROCEDURES

later than thirty (30) working days prior to the date the development order is to expire. Failure to submit an application for a building permit within the time limits established by this Section shall render null and void the development order for the development plan.

(Ord. No. 7500, § 6.5(M), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-597. Amendments to development plan.

A development plan may be amended only pursuant to the procedures established for its original approval, or as are otherwise set forth in this Section.

Secs. 34-598—34-599. Reserved.

ARTICLE VI. ZONING DISTRICTS

DIVISION 1. GENERAL

Sec. 34-600. Purpose and intent.

In order to ensure that all development in the City of Jacksonville Beach is consistent with the Comprehensive Plan, it is necessary and proper to establish a series of Zoning Districts to ensure that each permitted and conditional use is compatible with surrounding land uses, served by adequate public facilities, and sensitive to natural and coastal resources. Each Zoning District has its own purpose and establishes permitted uses, uses accessory to permitted uses, conditional uses, dimensional standards and other land use, density and intensity regulations, sign regulations, off-street parking and loading regulations, landscaping regulations, environmental regulations and other regulations that control the use of land in each Zoning District. In no case shall any new commercial development exceed 50,000 square feet in size. All development within each Zoning District shall be consistent with the purposes stated for that Zoning District in Section 34-611 et seq.

(Ord. No. 7500, § 7.1(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-601. Zoning Districts established.

In order to carry out and implement the Comprehensive Plan, the following Zoning Districts are hereby established:

- Residential, single-family Zoning District (RS-1)
- Residential, single-family Zoning District (RS-2)
- Residential, single-family Zoning District (RS-3)
- Residential, multi-family Zoning District (RM-1)
- Residential, multi-family Zoning District (RM-2)
- Commercial, professional office Zoning District (CPO)
- Commercial, Limited Zoning District (C-1)
- Commercial, general Zoning District (C-2)
- Commercial service Zoning District (CS)
- Central business Zoning District (CBD)
- Industrial Zoning District (I-1)
- Redevelopment Zoning District (RD)
- Planned Unit Development Zoning District (PUD)

(Ord. No. 7500, § 7.1(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-602. Establishment of Official Zoning Map.

The location and boundaries of the Zoning Districts established in this Article shall be set forth on the official Zoning Map of the City of Jacksonville Beach which is incorporated by reference into this Article as if fully described and set forth herein. The official electronic GIS Zoning Map is maintained by the City's Planning and Development Department. The official Zoning Map shall be the final authority as to the current zoning of land in the City of Jacksonville Beach.

(Ord. No. 7500, § 7.1(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-603. Amendment to the Official Zoning Map.

If pursuant to the terms of this Code, amendments made to the boundaries of the official Zoning Map shall be entered into the official GIS Zoning Map by the Planning and Development Department within thirty (30) working days after amendment is approved by ordinance.

(Ord. No. 7500, § 7.1(D), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Sec. 34-604. Planning and Development Department Administrative Approval.

The Planning and Development Director or designee, reserves the right to administratively approve a modification to a front yard setback on residential properties only if there is an established prevailing setback along the immediate block. The Planning and Development Director or designee also reserves the right to determine if a use in the Sections below is similar to another use.

Sec. 34-605. Off-site advertising a prohibited use in all Zoning Districts.

The business of off-site advertising is a prohibited use in all City Zoning Districts.

(Ord. No. 7500, § 7.1(E), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01)

Secs. 34-606—34-610. Reserved.

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

The Planning and Development Director or designee, reserves the right to administratively approve a modification to a front yard setback on residential properties only if there is an established prevailing setback along the immediate block. The Planning and Development Director or designee also reserves the right to determine if a use in the Sections below is similar to another use.

Sec. 34-611. Residential, single-family: RS-1.

- (a) *Purpose.* The residential, single-family (RS-1) Zoning District is intended to implement the low-density residential land use district in the Comprehensive Plan. It is intended to classify areas suitable for low density single-family residential development.
- (b) *Permitted uses.* The following uses are permitted as of right in the RS-1 Zoning District.
 - (1) Single-family dwellings.
 - (2) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
 - (3) Home-based businesses, per Section 34-725.
 - (4) Short-term vacation rentals, per Section 34-731.
 - (5) Essential public services, per Section 34-721.
 - (6) Family Day Care Homes, per FS 166.0445
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the RS-1 Zoning District.
 - (1) Swimming pools, tennis courts, and similar recreational facilities.
 - (2) Detached garages and carports.
 - (3) Utility sheds and workshops.
 - (4) Boat houses, docks, piers and similar structures.
 - (5) Doghouses and similar structures for housing household pets.
 - (6) Gazebos, cabanas and other similar structures.
 - (7) Non-commercial television and radio antennas not exceeding a height of fifteen (15) feet above roof line.
 - (8) Outdoor kitchens.
 - (9) Vegetable gardens, non-commercial greenhouses, and similar uses.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (d) *Conditional uses.* The following uses are permitted as conditional uses in the RS-1 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
- (1) Religious organizations.
 - (2) Educational services.
 - (3) Cemeteries
 - (4) Government uses, excluding correctional institutions.
 - (5) Golf courses.
 - (6) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RS-1 Zoning District.
- (1) *Single-family dwelling unit.*
 - a. *Minimum lot area:* Nine thousand (9,000) square feet.
 - b. *Minimum lot width:* Ninety (90) feet at the building line and a minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards:*
 1. *Front yard:* Twenty-five (25) feet .
 2. *Side yard:* Ten (10) feet on each side except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 3. *Rear yard:* Thirty (30) feet for primary structure and twenty (20) feet for unenclosed covered patios and enclosed screen rooms.
 - d. *Minimum floor area:* A single-family dwelling unit shall contain a minimum of one thousand four hundred (1,400) square feet of conditioned living area and a one (1) car garage. The garage shall not be included as part of the single-family dwelling unit's minimum square footage.
 - e. *Maximum lot coverage for primary structure and required driveway:* Thirty-five (35) percent.
 - f. *Maximum Impervious Surface:* Fifty (50) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory structures:* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (2) *Public and private parks, playgrounds and recreational facilities:* There are no minimum dimensional standards for public and private parks, playgrounds and recreational facilities.
- (f) *Off-street parking and loading standards.* The off-street parking and loading standards for the RS-1 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the RS-1 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the RS-1 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the RS-1 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the RS-1 Zoning District are found in Article VII, Division 5.

(Ord. No. 7500, § 7.2(A), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2014-8060 , §§ 1, 2, 9-15-14; Ord. No. 2015-8065 , § 4, 12-7-15; Ord. No. 2019-8118 , § 4, 9-16-19; Ord. No. 2020-8133 , § 6, 3-2-20)

Sec. 34-612. Residential, single-family: RS-2.

- (a) *Purpose.* The residential, single-family (RS-2) Zoning District is intended to implement the low density residential land use district in the Comprehensive Plan. It is intended to classify areas suitable for low density single-family residential development.
- (b) *Permitted uses.* The following uses are permitted as of right in the RS-2 Zoning District.
 - (1) Single-family dwellings.
 - (2) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
 - (3) Home-based businesses, pursuant to Section 34-725.
 - (4) Short-term vacation rentals, per Section 34-731.
 - (5) Essential public services, per Section 34-721.
 - (6) Family Day Care Homes, per FS 166.0445
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the RS-2 Zoning District.
 - (1) Swimming pools, tennis courts, and similar recreation facilities.
 - (2) Detached garages and carports.
 - (3) Utility sheds and workshops.
 - (4) Boat houses, docks, piers and similar structures.
 - (5) Doghouses and similar structures for housing household pets.
 - (6) Gazebos, cabanas and other similar structures.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (7) Non-commercial television and radio antennas not exceeding a height of fifteen (15) feet above roof line.
- (8) Outdoor kitchens.
- (9) Vegetable gardens, non-commercial greenhouses, and similar uses.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the RS-2 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Religious organizations.
 - (2) Educational services.
 - (3) Libraries.
 - (4) Cemeteries.
 - (5) Government uses, excluding correctional institutions.
 - (6) Golf courses.
 - (7) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.
 - (8) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RS-2 Zoning District.
 - (1) *Single-family dwelling unit.*
 - a. *Minimum lot area:* Six thousand (6,000) square feet.
 - b. *Minimum lot width:* Fifty (50) feet at the building line and a minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards:*
 - 1. *Front yard:* Twenty (20) feet .
 - 2. *Side yard* Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - 3. *Rear Yard:* Thirty (30) feet for primary structure and twenty (20) feet for unenclosed covered patios and enclosed screen rooms.
 - d. *Minimum floor area:* A single-family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage. The garage shall not be included as part of the single-family dwelling unit's minimum square footage.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- e. *Maximum lot coverage for primary structure and required driveway:* Thirty-five (35) percent.
 - f. *Maximum Impervious Surface:* Fifty (50) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory structures and structures pursuant to Section 34-716.* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along a street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
 - (f) *Public and private parks, playgrounds and recreational facilities:* There are no minimum dimensional standards for public and private parks, playgrounds and recreational facilities.
 - (g) *Off-street parking and loading.* The off-street parking and loading standards for the RS-2 Zoning District are found in Article VII, Division 1.
 - (h) *Supplemental standards.* The supplemental standards for the RS-2 Zoning District are found in Article VII, Division 2.
 - (i) *Landscape standards.* The landscape standards for the RS-2 Zoning District are found in Article VII, Division 3.
 - (j) *Sign standards.* The sign standards for the RS-2 Zoning District are found in Article VII, Division 4.
 - (k) *Environmental standards.* The environmental standards for the RS-2 Zoning District are found in Article VII, Division 5.
- (Ord. No. 7500, § 7.2(B), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2014-8060 , §§ 3, 4, 9-15-14; Ord. No. 2015-8065 , § 5, 12-7-15; Ord. No. 2019-8118 , § 5, 9-16-19; Ord. No. 2020-8133 , § 6, 3-2-20)

Sec. 34-613. Residential, single-family: RS-3.

- (a) *Purpose.* The residential, single-family (RS-3) Zoning District is intended to implement the medium density residential land use district in the Comprehensive Plan. It is intended to classify areas suitable for medium density single-family and two-family residential development.
- (b) *Permitted uses.* The following uses are permitted as of right in the RS-3 Zoning District.
 - (1) Single-family dwellings.
 - (2) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
 - (3) Townhouse (maximum of two (2) units).
 - (4) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with less than six (6) residents.
 - (5) Home-based businesses, pursuant to Section 34-725.
 - (6) Short-term vacation rentals, per Section 34-731.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (7) Essential public services, per Section 34-721.
- (8) Family Day Care Homes, per FS 166.0445
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the RS-3 Zoning District.
 - (1) Swimming pools, tennis courts and similar recreational facilities.
 - (2) Detached garages and carports.
 - (3) Utility sheds and workshops.
 - (4) Boat houses, docks, piers and similar structures.
 - (5) Doghouses and similar structures for housing household pets.
 - (6) Gazebos, cabanas and other similar structures.
 - (7) Non-commercial television and radio antennas not exceeding a height of fifteen (15) feet above roof line.
 - (8) Outdoor Kitchens.
 - (9) Vegetable gardens, non-commercial greenhouses, and similar uses.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the RS-3 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Religious organizations.
 - (2) Educational services.
 - (3) Cemeteries.
 - (4) Government uses, excluding correctional institutions.
 - (5) Golf courses.
 - (6) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.
 - (7) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with more than six (6) and less than thirteen (13) residents.
 - (8) Nursing and personal care facilities.
 - (9) Civic, social and fraternal organizations.
 - (10) Public and private parks, playgrounds, and recreational facilities.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RS-3 Zoning District.
 - (1) *Single-family dwelling unit.*
 - a. *Minimum lot area:* Five thousand (5,000) square feet.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- b. *Minimum lot width:* Fifty (50) feet at the building line and a minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards:*
 - 1. *Front yard:* Twenty (20) feet.
 - 2. *Side yard:* Fifteen (15) feet total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - 3. *Rear yard:* Thirty (30) feet for primary structure and twenty (20) feet for unenclosed covered patios and enclosed screen rooms.
 - d. *Minimum floor area:* A single-family dwelling unit shall contain a minimum of one thousand (1,000) square feet of conditioned living area and a one (1) car garage . Garages shall not be included as part of the single-family dwelling unit's minimum square footage.
 - e. *Maximum lot coverage for primary structure and required driveway:* Thirty-five (35) percent.
 - f. *Maximum Impervious Surface:* Fifty (50) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory uses and structures pursuant to Section 34-716:* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along a street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (2) *Townhouse (maximum of two (2) units).*
- a. *Minimum lot area:* Six thousand (6,000) square feet (individual lots shall be a minimum of three thousand (3,000) square feet).
 - b. *Minimum lot width:* Twenty-five (25) feet at the building line for each unit.
 - c. *Minimum yards.*
 - 1. *Front yard:* Twenty (20) feet.
 - 2. *Side yard:* Zero (0) for internal. Exterior five (5) feet.
 - 3. *Rear yard:* Twenty (20) feet.
 - d. *Minimum floor area:* A townhouse dwelling unit shall contain a minimum of eight hundred (800) square feet of conditioned living area. A minimum of one car-garage as required, shall not be included as part of the unit's minimum square footage. Additionally, two spaces shall be provided in the driveway.
 - e. *Maximum lot coverage for primary structure and required driveway:* Thirty-five (35) percent.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- f. Maximum *height*: Thirty-five (35) feet.
 - g. Impervious Surface: Fifty (50) percent.
 - h. *Accessory uses and structures pursuant to Section 34-716*: All accessory uses shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (3) *Public and private parks, playgrounds and recreational facilities*. There are no minimum dimensional standards for public and private parks, playgrounds and recreational facilities.
- (f) *Off-street parking and loading*. The off-street parking and loading standards for the RS-3 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards*. The supplemental standards for the RS-3 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards*. The landscape standards for the RS-3 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards*. The sign standards for the RS-3 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards*. The environmental standards for the RS-3 Zoning District are found in Article VII, Division 5.
- (Ord. No. 7500, § 7.2(C), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2014-8060 , §§ 5, 6, 9-15-14; Ord. No. 2015-8065 , § 6, 12-7-15; Ord. No. 2019-8118 , § 6, 9-16-19; Ord. No. 2020-8133 , § 6, 3-2-20)

Sec. 34-614. Residential, multi-family: RM-1.

- (a) *Purpose*. The residential, multi-family (RM-1) Zoning District is intended to implement the low and medium density land use districts in the Comprehensive Plan located to the west of Third Street (S.R. A1A). It is intended to classify areas suitable for low and medium density residential development. Maximum densities in the RM-1 Zoning District are twenty (20) dwelling units per acre. A single-family dwelling may be permitted on a single lot of record.
- (b) *Permitted uses*. The following uses are permitted as of right in the RM-1 Zoning District.
- (1) Elderly-oriented group homes, group homes for the developmentally- or physically- disabled, or foster homes with less than six (6) residents.
 - (2) Multi-family dwellings.
 - (3) Townhouse (max of four (4) units).
 - (4) Home-based business, per Section 34-725.
 - (5) Short-term vacation rentals, per Section 34-731.
 - (6) Essential public services, per Section 34-721.
 - (7) Single-family dwellings

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (8) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the RM-1 Zoning District.
 - (1) Swimming pools, tennis courts and similar recreational facilities.
 - (2) Detached garages and carports.
 - (3) Utility sheds and workshops.
 - (4) Boat houses, docks, piers and similar structures.
 - (5) Doghouses and similar structures for housing household pets.
 - (6) Gazebos, cabanas and other similar structures.
 - (7) Non-commercial television and radio antennas not exceeding a height of fifteen (15) feet above roof line.
 - (8) Barbecue pits.
 - (9) Vegetable gardens, non-commercial greenhouses, and similar uses.
 - (10) Any use customarily accessory to the permitted and conditional uses in the RM-1 Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the RM-1 Zoning District subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Elderly-oriented group homes, group homes for the developmentally or physically-disabled, and foster homes with six (6) or more residents.
 - (2) Transitional houses.
 - (3) Religious organizations.
 - (4) Cemeteries.
 - (5) Educational services.
 - (6) Libraries.
 - (7) Golf courses (regulation golf courses only).
 - (8) Government uses, excluding correctional institutions.
 - (9) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area.
 - (10) Financial institutions, insurance and real estate offices.
 - (11) Rooming and boarding houses.
 - (12) Nursing and personal care facilities.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (13) Child day care services, per Section 34-718.
- (14) Adult day care services.
- (15) Civic, social and fraternal organizations
- (16) Community centers.
- (17) Public parks, playgrounds and recreational facilities.
- (18) Accessory dwelling units (on the same parcel as a single-family dwelling only)
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RM-1 Zoning District.
 - (1) Single-family.
 - a. *Minimum lot area:* Five thousand (5,000) square feet.
 - b. *Minimum lot width:* Fifty (50) feet at the building line and a minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards:*
 - 1. *Front yard:* Twenty (20) feet.
 - 2. *Side yard:* Five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - 3. *Rear yard:* Twenty (20) feet.
 - d. *Minimum floor area:* A single-family dwelling unit shall contain a minimum of one thousand (1,000) square feet of conditioned living area and a one (1) car garage. Garages shall not be included as part of the single-family dwelling unit's minimum square footage.
 - e. *Maximum lot coverage for primary structure and required driveway:* Thirty-five (35) percent.
 - f. *Maximum Impervious Surface:* Fifty (50) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory uses and structures pursuant to Section 34-716:* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along a street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
 - (2) *Townhouse (maximum of four (4) units per building).*
 - a. *Minimum lot area:* Minimum of six thousand (6,000) square feet for the first two units and three thousand (3,000) square feet for each additional unit.
 - b. *Minimum lot width:* Twenty-five(25) feet at the building line for each unit.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- c. *Minimum yards:*
 - 1. *Front yard:* Each unit shall feature a three (3) foot staggered offset from the minimum Twenty (20) feet for three or more units. Twenty (20) feet for two units.
 - 2. *Side yard:* Zero (0) for internal. Exterior five (5) feet.
 - 3. *Rear yard:* Twenty (20) feet.
 - d. *Minimum floor area:* Each unit within a townhouse dwelling structure shall contain a minimum of eight hundred (800) square feet of conditioned living area. A minimum of one car-garage as required, shall not be included as part of the unit's minimum square footage. Additionally, two spaces shall be provided in the driveway.
 - e. *Maximum lot coverage for primary structure and required driveway:* Fifty-five (55) percent.
 - f. *Maximum Impervious Surface:* Sixty-five (65) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory uses and structures pursuant to Section 34-716.* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (3) *Multi-family dwellings.*
- a. *Minimum lot area:* Five thousand (5,000) square feet plus two thousand (2,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed twenty (20) dwelling units an acre.
 - b. *Minimum lot width:* Seventy-five (75) feet at the building line. A minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards:*
 - 1. *Front yard:* Twenty (20) feet.
 - 2. *Side yard:* Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - 3. *Rear yard:* Twenty (20) feet.
 - d. *Minimum floor area:* Multi-family dwelling units shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - 1. One bedroom unit: Six hundred (600) square feet.
 - 2. Two bedroom unit: Eight hundred (800) square feet.
 - 3. Three bedroom unit: One thousand (1,000) square feet.This square footage requirement shall also apply to units sold as condominiums.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- e. *Maximum lot coverage:* Sixty-five (65) percent.
 - f. *Maximum height:* Thirty-five (35) feet.
 - g. *Accessory uses and structures pursuant to Section 34-716:* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the RM-1 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the RM-1 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the RM-1 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the RM-1 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the RM-1 Zoning District are found in Article VII, Division 5.
- (Ord. No. 7500, § 7.2(D), 8-19-91; Ord. No. 95-7623, § 2, 5-1-95; Ord. No. 99-7774, § 1, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2003-7860, § 1, 10-6-03; Ord. No. 2014-8060, §§ 7, 8, 9-15-14; Ord. No. 2015-8065, § 7, 12-7-15; Ord. No. 2019-8118, § 7, 9-16-19; Ord. No. 2020-8133, § 6, 3-2-20)

Sec. 34-615. Residential, multi-family: RM-2.

- (a) *Purpose.* The residential, multi-family (RM-2) Zoning District is intended to implement the medium and high density residential land use districts in the Comprehensive Plan located in the ocean-front area east of 3rd Street (S.R. A1A). Maximum density in the RM-2 Zoning District is forty (40) dwelling units per acre.
- (b) *Permitted uses.* The following uses are permitted as of right in the RM-2 Zoning District.
- (1) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with less than six (6) residents.
 - (2) Multi-family dwellings.
 - (3) Townhouse (maximum of four (4) units).
 - (4) Home-based business, per Section 34-725.
 - (5) Short-term vacation rentals, per Section 34-731.
 - (6) Essential public services, per Section 34-721.
 - (7) Urban Single-family
 - (8) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are accessory uses and structures in the RM-2 Zoning District.
- (1) Swimming pools, tennis courts and similar recreational facilities.
 - (2) Detached garages and carports.
 - (3) Utility sheds and workshops.
 - (4) Boat houses, docks, piers and similar structures.
 - (5) Doghouses and similar structures for housing household pets.
 - (6) Gazebos, cabanas and other similar structures.
 - (7) Non-commercial television and radio antennas not exceeding a height of fifteen (15) feet above roof line.
 - (8) Outdoor kitchen.
 - (9) Vegetable gardens, non-commercial greenhouses, and similar uses.
 - (10) Any use customarily accessory to the permitted and conditional uses in the RM-2 Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the RM-2 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
- (1) Elderly-oriented group homes, group homes for the developmentally or physically-disabled, and foster homes with six (6) or more residents.
 - (2) Transitional homes.
 - (3) Religious organizations.
 - (4) Cemeteries.
 - (5) Educational services.
 - (6) Libraries.
 - (7) Golf courses (Regulation golf courses only).
 - (8) Government uses, excluding correctional institutions.
 - (9) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area.
 - (10) Rooming and boarding houses.
 - (11) Nursing and personal care facilities.
 - (12) Child day care services, per Section 34-718.
 - (13) Adult day care services.
 - (14) Hotels and motels.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (15) Private membership sports clubs and recreational facilities.
- (16) Civic, social and fraternal organizations.
- (17) Community centers.
- (18) Public and private parks, playgrounds and recreational facilities.
- (19) Accessory dwelling units (on the same parcel as a single-family dwelling only)
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RM-2 Zoning District.
 - (1) Urban single-family.
 - a. *Minimum lot area:* Three thousand, five hundred (3,500) square feet.
 - b. *Minimum lot width:* Fifty (30) feet at the building line.
 - c. *Minimum yards:*
 - 1. *Front yard:* Twenty (20) feet.
 - 2. *Side yard:* Five (5) feet.
 - 3. *Rear yard:* Twenty (20) feet.
 - d. *Minimum floor area:* A single-family dwelling unit shall contain a minimum of one thousand (1,000) square feet of conditioned living area and a one (1) car garage. Garages shall not be included as part of the single-family dwelling unit's minimum square footage. Additionally, two spaces shall be provided in the driveway.
 - e. *Maximum lot coverage for primary structure and required driveway:* Forty-five (45) percent.
 - f. *Maximum Impervious Surface:* Sixty (60) percent.
 - g. *Maximum height:* Thirty-five (35) feet.
 - h. *Accessory uses and structures pursuant to Section 34-716:* All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along a street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
 - (2) *Townhouse (maximum four (4) units per building).*
 - a. *Minimum lot area:* Minimum of six thousand (6,000) square feet for the first two units and three thousand (3,000) square feet for each additional unit.
 - b. *Minimum lot width:* Twenty-five(25) feet at the building line for each unit .
 - c. *Minimum yards:*
 - 1. *Front yard:* Each unit shall feature a three (3) foot staggered offset from the minimum Twenty (20) feet for three or more units. Twenty (20) feet for two units.
 - 2. *Side yard:* Zero (0) for internal. Exterior five (5) feet..

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- 3. *Rear yard*: Twenty (20) feet.
 - d. *Minimum floor area*: Each unit within a townhouse structure shall contain a minimum of eight hundred (800) square feet of conditioned living area excluding garage or carport. A minimum of one car-garage as required, shall not be included as part of the unit's minimum square footage. Additionally, two spaces shall be provided in the driveway.
 - e. *Maximum lot coverage for primary structure and required driveway*: Fifty-five (55) percent.
 - f. *Maximum Impervious Surface*: Sixty-five (65) percent.
 - g. *Maximum height*: Thirty-five (35) feet.
 - h. *Accessory uses and structures pursuant to 34-716*. All accessory structures shall only be located in a side or rear yard (not forwards of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (3) *Multi-family dwellings*.
- a. *Minimum lot area*: Five thousand (5,000) square feet, plus one thousand (1,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed forty (40) units an acre.
 - b. *Minimum lot width*: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
 - c. *Minimum yards*:
 - 1. *Front yard*: Twenty (20) feet.
 - 2. *Side yard*: Five (5) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed fifteen (15) feet.
 - 3. *Rear yard*: Twenty (20) feet. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
 - d. *Minimum floor area*: Multi-family dwelling unit shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - 1. Studio unit – Four Hundred (400) square feet.
 - 2. One bedroom unit—Six hundred (600) square feet.
 - 3. Two bedroom unit—Eight hundred (800) square feet.
 - 4. Three bedroom unit—One thousand (1,000) square feet.

This square footage requirement shall also apply to units sold as condominiums.
 - e. *Maximum lot coverage*: Sixty-five (65) percent.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- f. Maximum *height*: Thirty-five (35) feet.
 - g. *Accessory uses and structures pursuant to Section 34-716*. All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.
- (4) *Public and private parks, playgrounds and recreational facilities*. There are no minimum dimensional standards for public and private parks, playgrounds and recreational facilities.
- (f) *Off-street parking and loading*. The off-street parking and loading standards for the RM-2 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards*. The supplemental standards for the RM-2 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards*. The landscape standards for the RM-2 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards*. The sign standards for the RM-2 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards*. The environmental standards for the RM-2 Zoning District are found in Article VII, Division 5.
- (Ord. No. 7500, § 7.2(E), 8-19-91; Ord. No. 99-7774, §§ 2, 3, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2002-7838, § 1, 7-15-02; Ord. No. 2003-7860, § 2, 10-6-03; Ord. No. 2005-7899, § 3, 4-4-05; Ord. No. 2006-7917, § 1, 4-3-06; Ord. No. 2014-8060, §§ 9, 10, 9-15-14; Ord. No. 2015-8065, § 8, 12-7-15; Ord. No. 2016-8069, § 1, 4-18-16; Ord. No. 2019-8118, § 8, 9-16-19; Ord. No. 2020-8133, § 6, 3-2-20)

Sec. 34-616. Commercial professional office: CPO.

- (a) *Purpose*. The commercial professional office (CPO) Zoning District is intended to implement the commercial land use district in the Comprehensive Plan. It is intended to apply to commercial areas targeted for limited commercial and office development adjacent to arterial roadways.
- (b) *Permitted uses*. The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the CPO Zoning District. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to Section 34-622 Planned Unit Development: PUD district standards and procedures.
- (1) Business and professional offices as follows: building contractors and subcontractors (no storage of vehicles, material or equipment) landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
 - (2) Financial institutions, insurance and real estate offices.
 - (3) Travel agencies.
 - (4) Florists.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (5) Photographic studios.
- (6) Business services such as advertising; business and consumer credit reporting and collections; and computer programming, data processing and other computer services.
- (7) Townhouse (max of two (2) dwellings), and multi-family, subject to the provisions of Section 34-615, residential, multi-family: RM-1.
- (8) Short-term vacation rentals, per Section 34-731.
- (9) Essential public services, per Section 34-721.
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the CPO Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the CPO Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Personal service establishments as follows: Beauty and barber shops, funeral services, and miscellaneous personal services.
 - (2) Business services such as mailing reproduction, commercial art and photography and stenographic; and personnel supply, excluding labor and manpower pools and similar temporary help.
 - (3) Dance studios and schools.
 - (4) Educational services.
 - (5) Hospitals, nursing and personal care facilities, medical and dental laboratories, and miscellaneous health and allied services.
 - (6) Child day care services, per Section 34-718.
 - (7) Adult day care services.
 - (8) Museums and art galleries.
 - (9) Civic, social and fraternal organizations.
 - (10) Religious organizations.
 - (11) Government uses, except correctional institutions.
 - (12) Libraries.
 - (13) Cemeteries.
 - (14) Boutique retail and dining establishments.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the CPO Zoning District.
 - (1) *Minimum lot area:* None.
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- a. *Front yard*: Ten (10) feet.
 - b. *Side yard*: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - c. *Rear yard*: None.
 - (4) *Minimum floor area*: None.
 - (5) *Maximum lot coverage*: Sixty-five (65) percent.
 - (6) *Maximum height*: Thirty-five (35) feet.
 - (f) *Off-street parking and loading*. The off-street parking and loading standards for the CPO Zoning District are found in Article VII, Division 1.
 - (g) *Supplemental standards*. The supplemental standards for the CPO Zoning District are found in Article VII, Division 2.
 - (h) *Landscape standards*. The landscape standards for the CPO Zoning District are found in Article VII, Division 3.
 - (i) *Sign standards*. The sign standards for the CPO Zoning District are found in Article VII, Division 4.
 - (j) *Environmental standards*. The environmental standards for the CPO Zoning District are found in Article VII, Division 5.
- (Ord. No. 7500, § 7.2(F), 8-19-91; Ord. No. 94-7607, § 2, 8-15-94; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2015-8065, § 9, 12-7-15; Ord. No. 2019-8118, § 9, 9-16-19)

Sec. 34-617. Commercial limited: C-1.

- (a) *Purpose*. The commercial limited (C-1) Zoning District is intended to implement the commercial land use district in the Comprehensive Plan. It is intended to apply to commercial areas that can exist within close proximity to residential areas without creating an adverse effect on the development and character of such areas.
- (b) *Permitted uses*. The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the C-1 Zoning District. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to Section 34-622 Planned Unit Development: PUD district standards and procedures.
 - (1) Business and professional offices such as building contractors and subcontractors (no storage of vehicles, material or equipment); veterinary services for animal specialties; landscape architects; doctors, dentists, home health care services, and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
 - (2) Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.
 - (3) Jewelry and leather products manufacturing, in conjunction with the retail sale of the manufactured products on the same site.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (4) Travel agencies.
- (5) Business offices for communications and utility services (no storage of vehicles, materials, or equipment).
- (6) Retail trade establishments such as building materials, hardware and garden supplies; general merchandise; food; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.
- (7) Outdoor display of retail merchandise is limited to bicycles, plants, and outdoor furniture, limited to 200 square feet in area, and only during a business's operating hours.
- (8) Restaurants, except drive-ins; including outdoor seating less than or equal to two hundred fifty (250) square feet if alcohol is not served.
- (9) Financial institutions, insurance and real estate offices.
- (10) Hotels and motels.
- (11) Rooming and boarding houses.
- (12) Personal service establishments such as laundry, cleaning and garment services; photography studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; tax preparation services; and miscellaneous personal services.
- (13) Business service establishments such as advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; building services; medical and other equipment rental and leasing; personnel supply, excluding labor and manpower pools and similar temporary help services; computer programming, data processing and other computer services; and miscellaneous business services.
- (14) Automotive rental and leasing.
- (15) Electrical repair shops and watch, clock and jewelry repair shops.
- (16) Motion pictures theaters, except drive-in, and movie rental.
- (17) Amusement and recreation services such as dance studios and schools; bowling centers; physical fitness facilities; coin operated amusement devices; and membership sports and recreation clubs.
- (18) Medical and dental laboratories.
- (19) Child day care services, per Section 34-718.
- (20) Adult day care services.
- (21) Museums and art galleries.
- (22) Membership organizations, including religious organizations.
- (23) Government uses.
- (24) Essential public services, per Section 34-721.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (25) Auxiliary dwelling unit.
- (26) Miscellaneous repair shops and related services such as camera, luggage, sewing machine, musical instrument, and precision instrument repair, piano and organ tuning and repair, locksmith, gunsmith, picture framing, and china and pottery decorating and firing to individual order.
- (27) Mobile food dispensing vehicle as defined in and in accordance with the provisions of Section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
- (28) Short-term vacation rentals, per Section 34-731.
- (29) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
- (30) Essential public services, per Section 34-721.
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the C-1 Zoning District.
 - (1) Any use customarily accessory to the permitted and conditional uses in the C-1 Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the C-1 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Job or quick print commercial printing.
 - (2) Motor vehicle dealers, new and/or used; auto and home supply stores; gasoline service stations; and boat, recreational vehicle and motorcycle dealers.
 - (3) Alcoholic beverage establishment, per Section 34-717.
 - (4) Package liquor store.
 - (5) Camps and recreational vehicle parks.
 - (6) Auto-laundries and indoor automotive repair; except top, body and upholstery repair and paint shops.
 - (7) Funeral homes.
 - (8) Drive in motion picture theaters.
 - (9) Amusement parks.
 - (10) Hospitals, and nursing and personal care facilities.
 - (11) Educational services.
 - (12) Golf courses.
 - (13) Cemeteries.
 - (14) Townhouse dwelling (per RM-1 dimensional standards) and multi-family dwellings, per Section 34-614 residential, multi-family: RM-1, except that the maximum building height shall

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- be determined in accordance with paragraph (e)(6) of Section 34-617, and that for properties located east of 3rd Street, the minimum lot size for multi-family dwellings shall be determined in accordance with paragraph (e)(3)a. of Section 34-615.
- (15) Commercial recreation facilities such as shooting galleries, outdoor skating rinks, amusement parks, go kart tracks, miniature golf courses and similar outdoor uses.
 - (16) Home-based businesses, per Section 34-725.
 - (17) Microbrewery.
 - (18) Outdoor Restaurants or Bars, per Section 34-727.
 - (19) Miscellaneous repair shops and related services as follows: Taxidermist, lawnmower repair, and window and blind fabrication and repair.
 - (20) Pharmacy.
 - (21) Medical marijuana treatment center dispensing facilities.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the C-1 Zoning District.
- (1) *Minimum lot area:* None.
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - c. *Rear yard:* None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
 - (4) *Minimum floor area:* None.
 - (5) *Maximum lot coverage:* Eighty-five (85) percent.
 - (6) *Maximum height:* Thirty-five (35) feet.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the C-1 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the C-1 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the C-1 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the C-1 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the C-1 Zoning District are found in Article VII, Division 5.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

(Ord. No. 7500, § 7.2(G), 8-19-91; Ord. No. 96-7681, § 2, 10-21-96; Ord. No. 96-7689, § 2, 12-16-96; Ord. No. 97-7695, § 1, 2-3-97; Ord. No. 99-7774, § 4, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2002-7838, § 2, 7-15-02; Ord. No. 2003-7860, §§ 3, 4, 10-6-03; Ord. No. 2003-7861, § 1, 10-6-03; Ord. No. 2005-7899, § 4, 4-4-05; Ord. No. 2005-7904, § 1, 6-20-05; Ord. No. 2011-7999, § 1, 5-16-11; Ord. No. 2014-8042, § 2, 2-3-14; Ord. No. 2015-8065, § 10, 12-7-15; Ord. No. 2018-8104, § 3, 2-19-18; Ord. No. 2019-8118, § 10, 9-16-19; Ord. No. 2020-8145, § 4, 9-21-20; Ord. No. 2021-8168, § 3, 2-7-22)

Sec. 34-618. Commercial general: C-2.

- (a) *Purpose.* The commercial general (C-2) Zoning District is intended to implement the commercial land use district in the Comprehensive Plan. It is intended to apply to areas appropriate for general commercial use that will meet the retail and service needs of Jacksonville Beach residents. Areas that are designated for the C-2 Zoning District should be immediately accessible to the City's major road network.
- (b) *Permitted uses.* The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the C-2 Zoning District. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to Section 34-622 Planned Unit Development: PUD district standards and procedures.
- (1) Veterinary services and kennels, provided animals are housed in enclosed, soundproof buildings (per Florida Building Code).
 - (2) Newspaper printing and publishing and commercial printing.
 - (3) Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.
 - (4) Jewelry and leather products manufacturing, in conjunction with the retail sale of the manufactured products on the same site.
 - (5) Sign and specialty advertising manufacturing.
 - (6) Travel agencies.
 - (7) Business offices for communications and utility services (no storage of vehicles, material or equipment).
 - (8) Motor vehicle supplies and parts, wholesale.
 - (9) Retail trade establishments
 - (10) Outdoor display of retail merchandise is limited to bicycles, plants, and outdoor furniture, limited to 200 square feet in area, and only during a business's operating hours.
 - (11) Restaurants; including outdoor seating less than or equal to two hundred fifty (250) square feet if alcohol is not served.
 - (12) Financial institutions, insurance, or real estate offices.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (13) Hotels, motels, rooming, or boarding houses.
- (14) Personal service establishments such as laundry, cleaning and garment services; photography studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; funeral services; and miscellaneous personal services.
- (15) Business service establishments such as advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; building services; medical and other equipment rental and leasing; personnel supply; computer services; and miscellaneous business services.
- (16) Automotive rental and leasing, auto-laundries, and auto sales.
- (17) Electrical repair shops, and watch, clock, and jewelry repair shops.
- (18) Motion picture theaters, except drive-in.
- (19) Amusement and recreation services: Dance studios and schools; bowling centers; physical fitness facilities; coin operated amusement devices; and membership sports and recreation clubs.
- (20) Business and professional offices such as building contractors and subcontractors (no storage of vehicles, material or equipment); landscape architects; doctors, dentists, home health care services, and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
- (21) Medical and dental laboratories.
- (22) Individual and family social services.
- (23) Child day care services, per Section 34-718.
- (24) Adult day care services.
- (25) Museums and art galleries.
- (26) Membership organizations, including religious organizations.
- (27) Government uses.
- (28) Miscellaneous repair shops and related services such as camera, luggage, sewing machine, musical instrument, and precision instrument repair, piano and organ tuning and repair, locksmith, picture framing, and china and pottery decorating and firing to individual order.
- (29) Mobile food dispensing vehicle as defined in and in accordance with the provisions of Section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
- (30) Pharmacy.
- (31) Medical marijuana treatment center dispensing facilities.
- (32) Short-term vacation rentals, per Section 34-731.
- (33) Essential public services, per Section 34-721.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the C-2 Zoning District.
- (1) Any use customarily accessory to the permitted and conditional uses in the C-2 Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the C-2 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
- (1) Alcoholic beverage establishment, per Section 34-717.
 - (2) Package liquor store.
 - (3) Automotive and boat repair and service shops.
 - (4) Hospitals; and nursing and personal care facilities.
 - (5) Educational services.
 - (6) Golf courses.
 - (7) Cemeteries.
 - (8) Townhouse (max of four (4) dwellings) and multi-family dwellings, per Section 34-614 residential, multi-family: RM-1.
 - (9) Commercial recreational facilities such as shooting galleries, outdoor skating rinks, amusement parks, go kart tracks, miniature golf courses and similar outdoor uses.
 - (10) Outdoor restaurants or bars, per Section 34-727.
 - (11) Miscellaneous repair shops and related services such as taxidermist, lawnmower repair, and window and blind fabrication and repair.
 - (12) Microbreweries.
 - (13) Craft distillery.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the C-2 Zoning District.
- (1) *Minimum lot area:* None
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* None, except where adjacent to streets. If adjacent to a street, ten (10) feet. For a corner lot, the side yard on the corner shall be ten (10) feet.
 - c. *Rear yard:* None.
 - (4) *Minimum floor area:* None.
 - (5) *Maximum lot coverage:* Eighty-five (85) percent.
 - (6) *Height:* Thirty-five (35) feet.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (f) *Off-street parking and loading.* The off-street parking and loading standards for the C-2 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the C-2 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the C-2 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the C-2 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the C-2 Zoning District are found in Article VII, Division 5.

(Ord. No. 7500, § 7.2(H), 8-19-91; Ord. No. 99-7774, § 5, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2003-7860, §§ 5, 6, 10-6-03; Ord. No. 2003-7861, § 2, 10-6-03; Ord. No. 2004-7868, § 1, 2-2-04; Ord. No. 2014-8042, § 3, 2-3-14; Ord. No. 2015-8065, § 11, 12-7-15; Ord. No. 2018-8104, § 4, 2-19-18; Ord. No. 2019-8118, § 11, 9-16-19; Ord. No. 2019-8122, § 2, 8-5-19; Ord. No. 2020-8145, § 5, 9-21-20; Ord. No. 2021-8168, § 3, 2-7-22)

Sec. 34-619. Commercial service: CS.

- (a) *Purpose.* The commercial service (CS) Zoning District is intended to implement the mixed land use district in the Comprehensive Plan. It is intended to apply to areas appropriate for general commercial use, wholesale trade and storage, and limited light industrial uses.
- (b) *Permitted uses.* The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the CS Zoning District. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to Section 34-622 Planned Unit Development: PUD district standards and procedures.
 - (1) Ornamental floraculture and nurseries.
 - (2) Veterinary services and kennels; provided animals are housed in enclosed, soundproof buildings.
 - (3) Lawn, garden and tree services.
 - (4) Building contractors and subcontractors.
 - (5) Manufacturing establishments such as bakery products, wood cabinet, jewelry, commercial printing.
 - (6) Boat building and repairing.
 - (7) General warehousing and indoor storage.
 - (8) Outdoor general storage with opaque screening.
 - (9) Communications and utility services.
 - (10) Wholesale trade establishments such as motor vehicle supplies and parts; lumber and construction materials; other durable goods, except scrap and waste materials; paper and

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

paper products, pharmacies, apparel, piece goods and notions; beer, wine and distilled alcoholic beverages; and flowers, nursery stock and florists supplies.

- (11) Retail trade establishments such as building materials, hardware and garden supplies; motor vehicle dealers; auto and home supply stores; service stations; boat, recreational vehicle and motorcycle dealers; home furniture, furnishing and equipment stores
 - (12) Outdoor display of retail merchandise.
 - (13) Laundry, cleaning and garment services.
 - (14) Business service establishments such as building services; medical and other equipment rental and leasing; and computer programming, data processing and other computer services, and commercial art, photography and stenographic services.
 - (15) Automotive rental and leasing, indoor repair shops, or auto-laundries.
 - (16) Electrical, watch, clock, jewelry, upholstery, furniture, and miscellaneous repair shops and related services.
 - (17) Medical and dental laboratories.
 - (18) Civic, social and fraternal associations.
 - (19) Government uses.
 - (20) Essential public services, per Section 34-721.
 - (21) Mobile food dispensing vehicle as defined in and in accordance with the provisions of Section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
 - (22) Physical fitness facilities.
 - (23) Newspaper and magazine publishing.
 - (24) Mini-warehouse and personal property storage.
 - (25) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the CS Zoning District.
- (1) Any use customarily accessory to the permitted or conditional uses in the CS Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the CS Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
- (1) Handbag and other personal leather goods manufacturing.
 - (2) Educational services.
 - (3) Computer and office equipment manufacturing.
 - (4) Religious organizations.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (5) Restaurants, except drive-ins.
- (6) Restaurants, and restaurants with outdoor seating, per Section 34-727.
- (7) Microbrewery with associated taproom and outdoor taproom seating per Section 34-727.
- (8) Adult Day care services
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the CS Zoning District.
 - (1) *Minimum lot area:* None
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* None, except where adjacent to streets. If adjacent to a street, ten (10) feet. For a corner lot, the side yard on the corner shall be ten (10) feet.
 - c. *Rear yard:* None.
 - (4) *Maximum floor area:* Fifty thousand (50,000) square feet.
 - (5) *Maximum lot coverage:* Eighty-five (85) percent.
 - (6) *Height:* Thirty-five (35) feet.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the CS Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the CS Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the CS Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the CS Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the CS Zoning District are found in Article VII, Division 5.

(Ord. No. 7500, § 7.2(l), 8-19-91; Ord. No. 93-7571, § 1, 8-2-93; Ord. No. 99-7774, § 6, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2003-7860, § 7, 10-6-03; Ord. No. 2014-8042, § 4, 2-3-14; Ord. No. 2014-8053, § 1, 5-19-14; Ord. No. 2015-8065, § 12, 12-7-15; Ord. No. 2017-8092, § 1, 8-7-17; Ord. No. 2018-8114, §§ 1, 2, 12-17-18; Ord. No. 2020-8145, § 6, 9-21-20)

Sec. 34-620. Industrial district: I-1.

- (a) *Purpose.* The industrial (I-1) Zoning District is intended to implement the industrial land use district in the Comprehensive Plan. It is intended to apply to areas appropriate for general industrial uses which are not objectionable to surrounding land uses with regard to smoke, odor, fumes, and noise.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (b) *Permitted uses.* The following uses are permitted as of right in the I-1 Zoning District.
- (1) Ornamental floraculture and nursery.
 - (2) Veterinary services for animal specialties and kennels; provided animals are housed in enclosed, soundproofed buildings (per Florida Building Code).
 - (3) Lawn, garden and tree services.
 - (4) Building contractors and subcontractors.
 - (5) Manufacturing establishments producing the following products: Bakery products, apparel, wood cabinets, newspaper printing and publishing, commercial printing, luggage, computer and office equipment, jewelry, and sign and specialty advertising.
 - (6) Manufacturer's display rooms.
 - (7) Boat building and repairing.
 - (8) General warehousing and storage.
 - (9) Trucking and courier services.
 - (10) Communications and utility services.
 - (11) Wholesale trade establishments such as motor vehicle supplies and parts, new; lumber and construction materials and other durable goods, except scrap and waste materials; paper and paper products, drugs, drug proprieties and druggists' sundries, apparel, piece goods and notions; beer, wine and distilled alcoholic beverages; and flowers, nursery stock and florist's supplies.
 - (12) Financial institutions, insurance and real estate offices.
 - (13) Business service establishments such as advertising, business and consumer credit reporting and collections; mailing, reproduction, commercial art, photography, and stenography; building services, computer programming, data processing and other computer services, personnel supply, and recording studios. For recording studios, no noise from activities within the studio may be audible from off of the property containing the studio.
 - (14) Automotive repair shops, service stations, and auto laundries.
 - (15) Electrical repair; watch, clock and jewelry repair; reupholstery and furniture repair; and miscellaneous repair shops and related services.
 - (16) Business and professional offices such as landscape architects; doctors, dentists, and miscellaneous health offices and clinics; and engineering, architecture, accounting, research, management and related services.
 - (17) Government uses.
 - (18) Essential public services, per Section 34-721.
 - (19) Physical fitness facilities.
 - (20) Tour operators.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (21) Mobile food dispensing vehicle as defined in and in accordance with the provisions of Section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
- (22) Mini-warehouse and personal property storage.
- (23) Commissary.
- (c) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the I-1 Zoning District.
 - (1) Any use customarily accessory to the permitted and conditional uses in the I-1 Zoning District.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the I-1 Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Cemeteries.
 - (2) Used motor vehicle parts, wholesale.
 - (3) Processing and wholesale trade of scrap and waste materials, including junkyards, subject to Section 34-745(b).
 - (4) Petroleum bulk stations and terminals, wholesale.
 - (5) Restaurants.
 - (6) Convenience stores.
 - (7) Hotels and motels.
 - (8) Wholesale trade establishments—nondurable goods, excluding farm products, chemical and allied products, and petroleum products.
 - (9) Educational services.
 - (10) Outdoor restaurants, per Section 34-727.
 - (11) Craft distillery.
 - (12) Microbreweries with indoor taprooms and outside seating areas.
 - (13) Gun smith and retail sales of firearms.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the I-1 Zoning District.
 - (1) *Minimum lot area:* None
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* Five (5) feet, except for a corner lot. On a corner lot, the side yard facing the corner shall be ten (10) feet.
 - c. *Rear yard:* None.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (4) *Minimum floor area:* None.
- (5) *Maximum lot coverage:* Eighty-five (85) percent.
- (6) *Height:* Thirty-five (35) feet.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the I-1 Zoning District are found in Article VII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the I-1 Zoning District are found in Article VII, Division 2.
- (h) *Landscape standards.* The landscape standards for the I-1 Zoning District are found in Article VII, Division 3.
- (i) *Sign standards.* The sign standards for the I-1 Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the I-1 Zoning District are found in Article VII, Division 5.

(Ord. No. 7500, § 7.2(K), 8-19-91; Ord. No. 7533, § 1, 8-17-92; Ord. No. 95-7627, § 2, 7-17-95; Ord. No. 97-7716, § 1, 10-6-97; Ord. No. 98-7754, § 1, 11-16-98; Ord. No. 2000-7790, § 1, 7-3-00; Ord. No. 2000-7800, § 1, 11-6-00; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2003-7860, § 10, 10-6-03; Ord. No. 2009-7976, § 1, 9-8-2009; Ord. No. 2015-8065, § 14, 12-7-15; Ord. No. 2016-8073, § 1, 6-6-16; Ord. No. 2017-8090, § 1, 8-7-17; Ord. No. 2018-8110, § 1, 9-17-18; Ord. No. 2020-8133, § 6, 3-2-20; Ord. No. 2020-8135, § 1, 3-2-20; Ord. No. 2020-8145, § 8, 9-21-20)

Sec. 34-621. Redevelopment District: RD.

- (a) *Purpose and intent.* The RD Zoning District classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan.
- (b) *RD Zoning District boundaries.*
 - (1) *General.* The RD Zoning District boundaries include all lands lying in and bounded by the mean low water mark of the Atlantic Ocean and the centerline of the following streets: Thirteenth Avenue South, Third Street (State Route A-1-A), and Ninth Avenue North.
- (c) *General overview.* Land that is not zoned RD but seeks to be rezoned to Redevelopment District: RD must comply with Article V, Division 3 standards and must also receive approval of a preliminary development plan pursuant to the procedures and standards of this Section. The preliminary development plan for an RD Zoning District classification must then receive approval of a development plan pursuant to the procedures and standards of Section 34-586 et seq.
- (d) *Preapplication conference.*
 - (1) Before submitting an application for rezoning to Redevelopment District and preliminary development plan for RD Zoning District classification, an applicant shall request in writing a preapplication conference with the Planning and Development Director or designee.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (2) Staff for the Jacksonville Beach Community Redevelopment Agency, other City Departments and state or federal agencies that may be involved in the review and processing of the application will be present. The applicant shall be notified in advance by the Planning and Development Department the time, date and place of the conference.
 - (3) *Preapplication conference issues.* At the preapplication conference, the Planning and Development Director or designee, the applicant, staff for the Jacksonville Beach Community Redevelopment Agency, and the representatives from other City Departments, state and federal agencies shall discuss the proposed development and the following issues as they relate to the application for an RD Zoning District designation:
 - a. The existing characteristics of the site proposed for development or redevelopment including but not limited to existing built land uses, vacant areas, land ownership and existing densities;
 - b. The relationship between the proposed development, existing land uses, and surrounding land uses;
 - c. The status of existing and proposed on-site streets, utilities or other public and private facilities to serve the proposed development; and
 - d. The status of public facilities that would serve the proposed development, specifically as it relates to the CIE of the Comprehensive Plan.
 - (4) *Written summary.* Within ten (10) working days of the preapplication conference, the Planning and Development Department 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 Department at the time of submission of the application for development permit.
- (e) *Application for an RD Zoning District.*
- (1) *Submission of application.* Following the preapplication conference, an application for rezoning and a preliminary development plan for RD Zoning District classification shall be submitted to the Planning and Development Department, 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.
 - a. *Determination of sufficiency.* The Planning and Development Department shall determine if the application is sufficient within fifteen (15) working days after it is submitted.
 - 1. If the Planning and Development Department determines the application is not sufficient, a written notice shall be provided to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 - 2. When the application is determined sufficient, the Planning and Development Department shall notify the applicant, in writing, of the application's sufficiency and that the application is ready for review pursuant to this Section.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (2) *Contents of application.* The rezoning and preliminary development plan application shall include the following information:
- a. The names, address, and telephone number of the owners 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 of the applicant, 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 with the application.
 - e. The name, address and legal description of the land on which the preliminary development plan is proposed to occur, with attached copies of any instruments referenced, such as but not limited to deeds, plats, easements, covenants and restrictions.
 - f. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for development, with the boundaries already marked.
 - g. An eight and one-half (8½) by eleven (11) vicinity map locating the proposed land for development.
- (3) *Project Narrative.* A statement of the planning objectives to be achieved by the planned redevelopment activity and its consistency with the Jacksonville Beach Community Redevelopment Plan. The statement shall include a detailed description of the character of the proposed development, including information relative to the architectural style of the proposed development.
- a. A statement of the applicant's intentions with regard to the form of ownership contemplated for the development when construction is completed, e.g., sale or lease of all or some of the development including rental units, condominiums, or fee simple conveyance.
 - b. A description of how the project will meet the Jacksonville Beach Community Redevelopment Plan, Comprehensive Plan, and the LDC.
 1. If there are any aspects of the plan that do not meet one of the above, the applicant shall describe how it is deviating from those requirements.
 - c. A description of the proposed development, including:
 1. The number and type of residential dwelling units.
 2. The approximate gross density for the residential development.
 3. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
 4. Calculations showing the total lot coverage for building and accessory uses.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- d. A tentative development schedule indicating:
 - 1. The approximate date when construction of the development can be expected to begin.
 - 2. The stages in which the development will be built and the approximate date when construction on each stage can be expected to begin.
 - 3. The approximate date when each stage of development will be completed.
- f) *Preliminary Development Plan.* A preliminary development plan showing the following:
 - (1) Parcel boundary.
 - (2) Location of all proposed buildings.
 - (3) The proposed traffic circulation system.
 - (4) Parking facilities.
 - (5) Dimensions with scale.
 - (6) Building height.
 - (7) Site data table with the following:
 - a. Parcel number.
 - b. Existing Zoning and Land Use.
 - c. Acreage.
 - d. Proposed and required parking counts.
 - e. Proposed and required ISR.
 - f. Proposed and required building coverage.
 - g. Proposed and required setbacks/buffers.
- (g) *Standards.* A Preliminary Development Plan for a RD Zoning District designation shall comply with the following standards:
 - (1) *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.
 - (2) *Permitted uses.*
 - a. Uses shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.
 - (3) The following uses are specifically prohibited:
 - a. Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
 - b. Outdoor storage areas of any kind, including junk yards.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- c. Wholesale trade, warehouse, and distribution establishments.
 - d. Cemeteries.
 - e. Mobile home parks.
 - f. Motor vehicle repair, services, and garages.
 - g. Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
 - h. Petroleum and petroleum products receiving, storage/and distribution.
 - i. Veterinary services and kennels.
 - j. Recreational vehicle or travel trailer parks.
 - k. Commercial and industrial laundries.
 - l. Cold storage and ice processing plants.
 - m. Rooming and boarding houses.
 - n. The business of off-site advertising.
- (4) *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
- (5) *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
- (6) *Traffic circulation control and parking.*
- a. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
 - b. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
- (7) *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Land Development and not in conflict with the Jacksonville Beach Community Redevelopment Plan.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (8) *Open space/active recreation requirements.* All residential developments shall provide common open space/active recreation for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.
- (9) *Signage.* All signs erected shall be consistent with the standards of Article VII, Division 4.
- (10) *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies Article VII, Division 3. Parcels located within the CBD shall follow Section 34-623.
- (11) *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Stormwater Master Plan.
- (12) *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
- (13) *Adequate public facilities.* The application shall comply with the standards in Article IX, Adequate Public Facility Standards.
- (14) *Comprehensive Plan consistency.* The proposed development shall be consistent with the Future Land Use Map and the visions, intents, and strategies of the Comprehensive Plan.
- (h) *Review and report.* Once the application is determined sufficient, the Planning and Development Department shall prepare a report recommending approval, approval with conditions or denial, based on the standards in Section 34-621(c)(4). At least one week before the scheduled public hearing, the Planning and Development Department will provide the application and report to the Jacksonville Beach Community Redevelopment Agency and the Planning Commission for its review. The Planning and Development Department shall provide a copy of the staff recommendation report to the applicant once the report is completed, along with notification of the time and place the application will be considered at a public hearing.
- (i) *Notice.* The Planning and Development Department shall provide notice of the public hearings pursuant to the requirements of Section 34-813.
- (j) *Public hearings and recommendations.*
 - (1) The Jacksonville Beach Community Redevelopment Agency shall hold one (1) public hearing after the application is deemed sufficient by the Planning and Development Department. At the public hearing the agency shall consider the application, the staff report, comments of the applicant and CRA Staff and public testimony. The Jacksonville Beach Community Redevelopment Agency shall review the application and staff report to recommend to the City Council either an approval, approval with conditions or denial, based on consistency with the Jacksonville Beach Downtown Redevelopment Plan.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (2) The Planning Commission shall hold one (1) public hearing, and shall review the application, the staff report, comments of the applicant and City staff, the recommendation of the Community Redevelopment Agency, and public testimony. The Planning Commission shall recommend to the City Council either an approval, approval with conditions or denial based on the standards in Section 34-621(e) and (f) and 34-538.
 - (3) City Council shall hold two (2) public hearings on an application for RD Zoning District classification. 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.
- (k) *Action by the City Council.*
- (1) *Scheduling of public hearing.* Upon notification of the recommendation of the Jacksonville Beach Community Redevelopment Agency and the Planning Commission, the application and recommendation shall be forwarded to the City Council for the scheduling of a public hearing at the first available regularly scheduled meeting by which time the public notice requirements can be satisfied.
 - (2) *Decision.* At the public hearings, the City Council shall consider the application, the recommendation of the Jacksonville Beach Redevelopment Agency, the recommendation of the Planning Commission, and comments of the applicant and City staff. After the close of the public hearing, the City Council shall approve, approve with conditions, or deny the rezoning application and preliminary development plan pursuant to the standards in Section 34-538.
- (l) *Conditions.* The Jacksonville Beach Community Redevelopment Agency and the Planning Commission shall have the authority to recommend, and the City Council shall have the authority to impose such conditions on an RD Zoning District designation that are necessary to accomplish the purposes of this Section, this code, and the Comprehensive Plan.
- (m) *Effect of development order for an RD Zoning District designation.* Issuance of a development order for RD Zoning District classification shall constitute an amendment to the official Zoning Map to RD Zoning District. It shall also be deemed to authorize the applicant to submit to the Planning and Development Department an application for development permit for the approved preliminary RD development plan pursuant to Section 34-586 et seq. No development plan shall be accepted for review and consideration unless the RD Zoning District classification and preliminary RD development plan have been approved and remain valid and in effect.
- (n) *Recordation.* The adopted Redevelopment District: RD ordinance shall be recorded in the office of the Duval County Clerk and shall be binding upon the property owners subject to the development order, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the adopted preliminary RD development plan. Failure on the part of the applicant to record the Redevelopment District: RD ordinance within a period of sixty (60) days following its adoption by the City Council shall render the plan invalid.
- (o) *Development Schedule.* The schedule of development must adhere to the stated phasing schedule in the enacted RD project narrative.
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PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (p) *Minor deviation to preliminary development plan for an RD Zoning District designation.* A minor deviation may be made from the preliminary development plan upon written approval of the Planning and Development Director or designee. Minor deviations which shall be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development that are not reasonably anticipated during the initial approval process, and shall be limited to the following:
- (1) Alteration of the location of any road or walkway by not more than five (5) feet;
 - (2) Alteration of the building envelope of up to five (5) percent, provided such alteration complies with the requirements of this Code.
 - (3) Reduction of the total amount of open space by not more than five (5) percent, provided that such reduction does not permit the required open space to be less than that required by this Code.
 - (4) Alterations of the location, type, or quality of required landscaping elements, if it complies with this Code.
 - (5) *Amendments to preliminary development plan.* A preliminary development plan may be amended only pursuant to the procedures established for its original approval as otherwise set forth in this Section.
- (q) *Development plan.* An application for a development plan shall be submitted within one (1) year of receipt of a development order for RD Zoning District classification and a one (1) extension can be requested.
- (Ord. No. 7500, § 7.2(L), 8-19-91; Ord. No. 99-7776, § 1, 12-6-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2004-7878, § 1, 7-19-04; Ord. No. 2005-7899, § 7, 4-4-05; Ord. No. 2014-8042, § 6, 2-3-14; Ord. No. 2015-8065, § 15, 12-

Sec. 34-622. 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 purpose and 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;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (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.
 - (8) Provides a benefit to the public through innovative design
- (b) *General applicability.* Before any development shall be designated PUD Zoning District on the official Zoning Map, 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 PUD Zoning District classification, land must receive approval of an application for PUD pursuant to the procedures and standards of this Section. The application for a PUD Zoning District classification must then receive approval of a development plan pursuant to the procedures and standards of Section 34-586 et seq.
- (e) *Preapplication conference.*
- (1) 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 or designee.
 - (2) *Scheduling of preapplication conference.* 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 Department the time, date and place of the conference.
 - (3) *Preapplication conference issues.* At the preapplication conference, the Planning and Development Director or designee, 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;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- 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.
- (4) *Written summary.* Within ten (10) working days of the preapplication conference, the Planning and Development Department 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 Department at the time of submission of the application for development permit.
- (f) *Application for PUD.*
- (1) *Submission of application.* Subsequent to the preapplication conference, an application for a (PUD) Zoning District classification shall be submitted to the Planning and Development Department, 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.
 - a. Determination of sufficiency. Within fifteen (15) working days of receipt of an applicant's submittal of a rezoning application, the Planning and Development Department shall determine whether the application is sufficient.
 - 1. If the Planning and Development Department determines the application is not sufficient, a written notice shall be provided to the applicant specifying the deficiencies. No action shall be taken to initiate a preapplication conference until the deficiencies are remedied.
 - 2. When the application is determined sufficient, the Planning and Development Department 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.
 - (2) *Contents of application.* The application shall be submitted in a form established by the Planning and Development Department 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- 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 certificate of survey completed by a professional land surveyor registered in the State of Florida certifying the preliminary development plan.
- (3) *Project Narrative.* The PUD application shall provide a project narrative including, but not limited to, the following items:
- a. A description of the proposed development, including:
 - 1. The number and type of residential dwelling units.
 - 2. The approximate gross density for the residential development.
 - 3. The amounts of land and building square footages for nonresidential developments, by type of use, including any portions to be reserved for public use.
 - 4. Calculations showing the total lot coverage for building and accessory uses.
 - b. 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).
 - c. A description of how there will be assurance that adequate public facilities will be available pursuant to the requirements of Article IX, Adequate Public Facility Standards.
 - d. A statement of how open space and recreation facilities will be preserved and maintained.
 - e. 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.
 - f. Proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- f. A development schedule.
 - g. Delineating areas to be developed according to their order of construction. Proposing dates for beginning and completing construction of each development phase. Proposing a schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase.
- (4) *Prohibited use.* The business of outdoor advertising.
- (g) *Preliminary Development Plan.* 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) 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.
 - (12) Location and width of canals, waterways and flood prone areas.
- (h) *Standards.* A preliminary development plan for a PUD shall comply with the following standards:
- (1) *Area.* There shall be no minimum acreage required.
 - (2) *Density.* Residential development shall not exceed the maximum densities established in the RM-2 Zoning District.
 - (3) *Building height:* Thirty-five (35) feet.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (4) *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.
- (5) *Off-street parking and loading.* The off-street parking and loading standards for the preliminary development plan for PUD shall demonstrate the site contains adequate parking for the use.
- (6) *Adequate public facilities.* There shall be a demonstration that the development proposed in the preliminary development plan complies with Article IX, Adequate Public Facility Standards.
- (7) *Common recreation and open space.* The preliminary development plan shall comply with the following common recreation and open space standards.
 - a. A minimum of twenty (20) percent of 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.
 - b. 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.
 - c. 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.
 - d. If common open space is proposed to be maintained through an association or nonprofit corporation, such organization shall conform to the following standards.
 - 1. The association or nonprofit corporation shall be established prior to the sale of any lots or units within the development plan for PUD.
 - 2. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the development plan for PUD.
 - 3. 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.
- (8) *Compatibility of open spaces.* The open space proposed in the Preliminary development plan shall be consistent with the character of surrounding land uses

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (9) *Compatibility with surrounding land uses.* The development proposed in the Preliminary development plan shall be consistent with the character of surrounding land uses.
- (10) *Beach access.* The preliminary development plan shall not diminish existing public beach access.
- (11) *Consistency with Comprehensive Plan.* The preliminary development plan shall be consistent with the Comprehensive Plan.
- (i) *Review Criteria.* In evaluating a proposed PUD district, the City shall consider the criteria established in this subsection. The consideration of each criterion by the City shall be documented by written findings.
 - (1) *Consistency with the Comprehensive Plan.* The proposed PUD district shall be consistent with the Comprehensive Plan.
 - (2) *Consistency with other City ordinances.* The proposed PUD district shall be consistent with all other ordinances adopted by the City, including but not limited to the applicable environmental and concurrency management ordinances.
 - (3) *Consistency with purpose and intent of PUD District.* An application for a PUD district shall indicate how the proposed PUD district meets the purpose and intent of the PUD district, as set forth in subsection (a) of this Section. The narrative shall address the statements itemized in subsection (a)(1) through (8) of this Section and shall also address the criteria set forth in Section 34-538.
- (j) *Review and report.* Once the application is determined sufficient by the Planning and Development Department, staff shall prepare a report recommending approval, approval with conditions, or denial based on the standards in Section 34-622(g). The Planning and Development Department shall provide a copy of the staff report to the applicant along with notification of the time and place the application which will be considered by the Planning Commission at the next available public hearing.
- (k) *Notice.* The Planning and Development Department shall provide notice of the public hearings pursuant to Section 34-814.
- (l) *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. 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.
- (m) *Action by Planning Commission.* The Planning Commission shall conduct a public hearing on the application pursuant to the procedures in Section 34-500 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 34-622(h).
- (n) *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 two (2) public hearings

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

by the City Council, 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 or designee.

- (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 34-538 and Section 34-622(h).
- (3) *Conditions.* The Planning Commission shall have the authority to recommend, and the City Council shall have the authority to impose such conditions on a Planned Unit Development (PUD) zoning that are necessary to accomplish the purposes of this Code and Comprehensive Plan.
- (o) *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.
- (p) *Development Schedule.* The schedule of development must adhere to the stated phasing schedule in the enacted PUD project narrative.
- (q) *Minor deviations of the PUD development order.* Minor deviations to an approved development order for a PUD may be authorized by the Planning and Development Director or designee. 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.
 - (5) Alterations to lot coverage by not more than five (5) percent of the required maximum.
- (r) *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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

(Ord. No. 7500, § 7.2(M), 8-19-91; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2004-7879, § 1, 7-19-04; Ord. No. 2005-7899, § 8, 4-4-05; Ord. No. 2015-8065, § 16, 12-7-15)

Sec. 34-623. Central business district: CBD.

- (a) *Purpose.* The central business district (CBD) Zoning District is intended to implement the commercial and redevelopment area land use districts in the Comprehensive Plan. The CBD Zoning District is intended to provide a central core for the City, with a diversity of uses, and to promote flexibility in design and quality in development while preserving public access to the beach recreational area.
- (b) *Permitted uses.* The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the CBD Zoning District. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to Section 34-621 Redevelopment District: RD.
- (1) Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.
 - (2) Jewelry manufacturing, in conjunction with the retail sale of the jewelry on the same site.
 - (3) Travel agencies.
 - (4) Retail trade establishments such as building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; pharmacies; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.
 - (5) Outdoor display of retail merchandise is limited to bicycles, plants, and outdoor furniture, limited to 200 square feet in area, and only during a business's operating hours.
 - (6) Indoor and outdoor restaurants.
 - (7) Financial institutions, insurance and real estate offices.
 - (8) Hotels and motels.
 - (9) Personal service establishments such as photographic studios; beauty and barber shops; shoe repair; tax preparation services; and miscellaneous personal services.
 - (10) Business service establishments such as advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; personnel supply, excluding labor and manpower pools and similar temporary help services; computer programming, data processing and other computer services; and miscellaneous business services.
 - (11) Automotive rental and leasing.
 - (12) Surface and structured parking lots.
 - (13) Motion pictures theaters, except drive-in.
 - (14) Dance studios and schools.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (15) Amusement and recreation service establishments such as physical fitness facilities; coin operated amusement devices; or membership sports and recreation clubs.
 - (16) Business and professional offices such as landscape architect; building contractors and subcontractors (no storage of vehicles, equipment, or materials); doctors, dentists and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research management and related services.
 - (17) Child day care services, per Section 34-718.
 - (18) Museums and art galleries.
 - (19) Membership organizations, except religious organizations.
 - (20) Government uses.
 - (21) Multi-family dwellings and townhouses, per Section 34-623(e) Site Design and Lot Layout Standards and also subject to a maximum density of forty (40) units per acre.
 - (22) Public parks, playgrounds, and recreational facilities.
 - (23) Libraries.
 - (24) Essential public services, per Section 34-721.
 - (25) Auxiliary dwelling unit.
 - (26) Mobile food dispensing vehicle as defined in and in accordance with the provisions of Section 12-33 Mobile Food Dispensing Vehicles of Chapter 12 Food and Food Products of this Code of Ordinances.
 - (27) Short-term vacation rentals, per Section 34-731.
 - (28) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling.
- (c) Prohibited uses.
- (1) Manufacturing, except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.
 - (2) Outdoor storage areas of any kind, including junk yards.
 - (3) Wholesale trade, warehouse, and distribution establishments.
 - (4) Cemeteries.
 - (5) Mobile home parks.
 - (6) Motor vehicle repair, services, and garages.
 - (7) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.
 - (8) Petroleum and petroleum products receiving, storage/and distribution.
 - (9) Veterinary services and kennels.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (10) Recreational vehicle or travel trailer parks.
- (11) Commercial and industrial laundries.
- (12) Cold storage and ice processing plants.
- (13) Rooming and boarding houses.
- (d) *Accessory uses and structures pursuant to Section 34-716.* The following uses are permitted as accessory uses and structures in the CBD Zoning District.
 - (1) Any use customarily accessory to the permitted or conditional uses in the CBD Zoning District.
- (e) *Conditional uses.* The following uses are permitted as conditional uses in the CBD Zoning District, subject to the standards and procedures established in Section 34-546 et seq.
 - (1) Handbag and other personal leather goods manufacturing in conjunction with the retail sale of the finished product on the same site.
 - (2) Alcoholic beverage establishment.
 - (3) Educational services.
 - (4) Amusement parks and recreation services.
 - (5) Religious organizations.
 - (6) Outdoor bars, per Section 34-727.
 - (7) Microbreweries.
 - (8) Urban Single-Family.
 - (9) Medical marijuana treatment center dispensing facilities.
- (f) *Site design and lot layout standards.* The following site design, dimensional, and lot layout standards apply in the CBD Zoning District.
 - (1) *Designation of street type.* The central business district (CBD) designates three (3) street types that exist within the CBD boundaries. The identification of each street type directly relates to the site design, dimensional, and lot layout criteria outlined in the following standards.
 - (2) *Designation of "A" streets, "B" streets and "pedestrian oriented" streets.* The following table designates existing streets within the central business district as an "A" street or a "pedestrian oriented" street. Streets not specifically designated will be considered "B" streets. The creation of new streets constructed on or after the effective date (insert adoption of ordinance) will be updated and designated by the City.
 - a. "A" streets shall have building frontage requirements, established build-to lines and required active commercial land uses on first floor, restrict parking and service uses adjacent to an "A" street. "A" streets shall not be the primary access unless there is no other feasible option.
 - b. "Pedestrian oriented" streets shall have building frontage requirements, established build-to lines, restrict parking and service uses adjacent to a "pedestrian oriented" street.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- c. "B" streets shall have no building frontage requirements. While "B" streets are not included or intended to be primary pedestrian streets, additional provisions on architectural details, accessory structures, and service bays will be provided.

Street Name	Designation
6th Avenue North, between 3rd Street North and the Sea Walk	A
1st Street North between Beach Boulevard and 6th Avenue North	A
Beach Boulevard, between 3rd Street North and the Sea Walk	Pedestrian Oriented
1st Avenue North, between 3rd Street North and 1st Street North	Pedestrian Oriented
4th Avenue North, between 3rd Street North and the Sea Walk	Pedestrian Oriented

- (3) *Lot types.* Specific lot types are allowed within the CBD as identified by the letter "X" in the following table. The symbol "*" may be considered by the Planning Commission.

Lot Type	Street Designation		
	A	Pedestrian Oriented	B
Retail/Office	X	X	X
Mixed Use	X	X	X
Live/Work	X	X	X
Apartment	X	X	X
Row/Townhouse	*	X	X
House	*	X	X

The following table specifies the standards for each lot type:

Table 1.0, Standards for Lot Types												
	COMMERCIAL BUILDING		MIXED-USE BUILDING		LIVE/WORK BUILDING		MULTI-FAMILY RESIDENTIAL BUILDING		ROW/TOWNHOUSE BUILDING		URBAN SINGLE-FAMILY	
	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX
LOT REQUIREMENTS												
Lot Width (ft)	16	300	16	300	16	60	40	300	25	—	30	—
Lot Depth (ft)	—	500	—	500	80	120	100	300	80	120	60	N/A
Lot Size (sf)	—	150,000	—	150,000	1,800	7,200	4,000	90,000	1,600	3,840	3,500	N/A
Lot Coverage (%)	—	90	—	90	—	80	—	90	—	80	N/A	55
BUILDING ENVELOPE												
Front Setback (ft)	0	10	0	10	0	10	0	10	0	10	20	—
Side Setback (ft)	0	—	0	—	0	—	0	—	0 ft interior	—	5	—

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

									5 ft exterior			
Rear Setback (ft)	10	—	10	—	15	—	15	—	20	—	20	—
Frontage Buildout (%) ⁽¹⁾	90	100	90	100	80	100	80	100	90	100		

(4) *General site design.*

- a. *Form.* Buildings shall form a consistent, distinct edge, spatially delineating the public street through maximum building setbacks that vary by no more than five (5) feet from those of the adjacent building.
- b. *Sidewalks.* All buildings or developments must provide sidewalks along the street edge(s) of their property. Sidewalks shall be placed to align with existing sidewalks. Sidewalk connections from a principal building to the public sidewalk must be provided and be aligned to minimize walking distance. Landscaping adjacent to existing and proposed street sidewalks must be consistent with the requirements of the Landscaping Section below (Section 34-623(e)(6)).
 1. *Urban Trails.* Any site with access along a designated Urban Trail shall be designed to be consistent with the Urban Trails Master Plan.
- c. *Driveway locations.* If property abuts an A or B street, vehicular drive access should be located on the nonpedestrian priority street. If a property does not abut an A or B street, a maximum of one (1) vehicular access drive per property along pedestrian oriented streets shall be allowed.
- d. *Utilities.* All utilities shall be located underground if feasible.
- e. *Screening.* Trash and recycling receptacles, loading docks, service areas, and other similar areas must be located in parking areas or in a location that is not visible from "A" or "pedestrian oriented" frontage, and must be screened to minimize sound to and visibility from residences and to preclude visibility from adjacent streets. Joint-use facilities are encouraged throughout the CBD. If such facilities are created, access and location shall be determined under an access agreement between any and all of the parties utilizing such services.
- f. *Mechanical equipment.* Mechanical equipment at ground level shall be placed on the parking lot side of the building away from view from adjacent "pedestrian oriented" and "A" street frontage and shall be screened from view of any street by fencing, vegetation, or by being incorporated into a building. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions should be incorporated into the overall design of the building by walls of a material compatible with the material, style, color, texture, pattern, trim, and details of the main building and landscaping. The wall shall be one foot higher than the largest object being screened, but not more than ten (10) feet high, on all sides where access is not needed.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- g. *Rooftop mechanical equipment.* Rooftop mechanical equipment shall be integrated into the overall mass of a building by screening it or by recessing it into roof structure.
 - h. *Building frontage.* Building frontage shall be determined by the Table 1.0. Standards for Lot Types. If site constraints exist, a knee wall may be constructed with the following provisions.
 - 1. Only twenty-five (25) percent of the required frontage may be fulfilled through the use of a knee wall.
 - 2. The knee wall shall be a minimum of twenty-four (24) inches in height to a maximum of forty-two (42) inches.
 - 3. The knee wall must be constructed of an opaque material which complements the primary building's architecture by utilizing the same architectural style.
 - i. *Parking requirements.* The off-street parking and loading standards for the CBD Zoning District are found in Article VII, Division 1. Shared parking agreements pursuant to Section 34-705, are also permitted to meet the parking requirements.
 - j. *Off-street surface parking.* Off-street surface parking lots must be located behind "A" street frontage buildings or to the side of, or behind, "pedestrian oriented" street fronting buildings.
 - k. *Parking garages.* Parking garages shall comply with the following requirements:
 - 1. Direct pedestrian access from parking garages to each adjacent street shall be provided.
 - 2. Parking garages located on "A" or "pedestrian oriented" streets shall have the ground floor developed with enclosed commercial or civic floor space to a minimum building depth of thirty (30) feet along the entire length of the structure on each "A" or "pedestrian oriented" facing street, unless separated from the street by another building, parking lot and/or landscaped open space with a minimum depth of thirty (30) feet.
- (5) *Landscape standards.* Landscape standards shall be consistent with the provisions below.
- Two (2) types of landscape treatments are permitted within any street facing location.
- a. *Urban landscape.* When buildings are located using a build-to-line, an urban buffer may be considered as an alternative to a front yard landscape buffer. The front yard landscape buffer for an urban type development shall be allowed to provide potted plants. At a minimum, a thirty-six (36) inch diameter pot by twenty-four (24) inches high should be provided every twenty (20) linear feet of building frontage. The plant species should be two (2) times as high as the height of the pot. Low growing plants, flowering annuals should be planted at the base of the pot.
 - b. *Street trees.* If there is area to install street trees, those trees shall be of a salt-tolerant species as references in Table 34-745.1 in Section 34-745 and shall have a minimum three (3) inch caliper and ten (10) feet in height at planting.. All landscaping shall meet conform to the corner sight visibility triangle requirements set forth in subsection 34-

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

720. If there is no area for street trees, the development shall adhere to the Urban Landscaping Section above.

1. *Tree spacing:* All street trees shall be planted one (1) tree for every twenty-five (25) linear feet or frontage or fraction thereof.
2. *Tree species:* Salt tolerant species as listed in Table 34-745.1 in Section 34-745 shall be used.

(7) *Building design.* The following standards are for building design of attached residential and nonresidential building types.

- a. *Public entrance.* Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surfaces or finishes to give emphasis to the entrances.
- b. *Building facade.* Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line awning from twelve (12) feet to sixteen (16) feet above base flood elevation or grade, whichever applies to a particular building.
- c. *Height.* Thirty-five (35) feet
- d. *Maximum lot coverage.* None.
- e. *Mass and scale.* Buildings that are more than one hundred fifty (150) feet in length shall comply with the following. No more than sixty (60) feet of horizontal distance of wall shall be provided without architectural relief a minimum of thirty (30) feet wide and three (3) feet deep for building walls and frontage walls facing the street.
- f. *Awnings and shade.* Buildings fronting an "A" street or a "pedestrian oriented" street must provide awnings, canopies or other type of shade refuge equal to a minimum of fifty (50) percent of the length of building frontage.
- g. *General design features.* All buildings shall utilize at least three (3) of the following design features to provide visual relief along all street-facing elevations of the building:
 1. Divisions or breaks in, and variety in, exterior finish materials (materials should be drawn from a common palette).
 2. Window bays.
 3. Separate entrances and entry treatments, porticoes, colonnades, or arcades extending at least five (5) feet, provided that a right-of-way or revocable encroachment permit shall be required if the entrance, entry treatment, colonnade, or arcade extends into the public right-of-way.
 4. Variation in roof lines.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

5. Awnings or canopies installed in increments of fifteen (15) feet or less and extending at least five (5) feet.
 6. Dormers.
 7. Overhang extending at least five (5) feet, provided that a right-of-way or revocable encroachment permit shall be required if the entrance, entry treatment, colonnade, or arcade extends into the public right-of-way.
 8. Recessed entries (at least three (3) feet from the primary facade).
 9. Protruding entries (at least three (3) feet from the primary facade).
 10. Covered porch entries.
 11. Cupolas.
- h. *Storefront character.* Commercial, retail/office, residential, and mixed-use buildings shall express a "storefront character". This standard shall be met by providing each of the following architectural features along the building frontage as applicable.
1. Corner building entrances on corner lots.
 2. Regularly spaced and similar-shaped windows with window hoods or trim on all building stories.
 3. Large display windows on the ground floor. All "A" and "pedestrian oriented" street-facing or public space-facing structures shall have transparent windows covering a minimum of forty (40) percent and a maximum of eighty (80) percent of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over fifty (50) percent of a street-facing frontage and shall not exceed thirty (30) linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass, tinted, or glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement if the first floor has not been designed as a flood proof first floor.
- i. *Orientation.* The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements, not exceeding thirty-five (35) feet in height, may be used to identify the location of building entries.
- j. *Rooflines.* Rooflines on attached residential and nonresidential buildings shall be varied to reduce the massive scale of large buildings and to be consistent with the scale and character of adjacent and street facing residential areas. At a minimum, the roof line shall not extend any longer than one hundred (100) feet without a roof variation that changes at a minimum of ten (10) feet to break the mass and scale of the building.
- k. *Lighting.* All buildings and parking lots shall have exterior lighting and such shall be self-contained to that building or parking lot without glare or shine onto areas off of the site.
- l. *Entrances for residential buildings.* All residential buildings located on an "A" or "pedestrian oriented" street shall be required to have an entrance located along either the "A" or "pedestrian oriented" street frontage. This required entrance shall be recessed from the façade and feature a covered awning or similar architectural feature.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VI. ZONING DISTRICTS

- (g) *Off-street parking and loading.* The off-street parking and loading standards for the CBD Zoning District are found in Article VII, Division 1.
- (h) *Supplemental standards.* The supplemental standards for the CBD Zoning District are found in Article VII, Division 2.
- (i) *Sign standards.* The sign standards for the CBD Zoning District are found in Article VII, Division 4.
- (j) *Environmental standards.* The environmental standards for the CBD Zoning District are found in Article VII, Division 5.

(Ord. No. 7500, § 7.2(J), 8-19-91; Ord. No. 96-7682, § 1, 10-21-96; Ord. No. 99-7774, § 7, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2002-7838, § 3, 7-15-02; Ord. No. 2003-7860, §§ 8, 9, 10-6-03; Ord. No. 2004-7868, § 2, 2-2-04; Ord. No. 2005-7899, §§ 5, 6, 4-4-05; Ord. No. 2005-7904, § 2, 6-20-05; Ord. No. 2008-7962, § 1, 12-15-08; Ord. No. 2014-8042, § 5, 2-3-14; Ord. No. 2015-8065, § 13, 12-7-15; ; Ord. No. 2017-8097, § 1, 11-6-17; Ord. No. 2018-8104, § 5, 2-19-18; Ord. No. 2019-8118, § 12, 9-16-19; Ord. No. 2020-8133, § 6, 3-2-20; Ord. No. 2020-8145, § 7, 9-21-20; Ord. No. 2021-8168, § 3, 2-7-22) 7-15; Ord. No. 2018-8103, § 1, 2-19-18)

Secs. 34-624—34-699. Reserved.

ARTICLE VII. SITE DEVELOPMENT STANDARDS

DIVISION 1. PARKING AND LOADING STANDARDS

Sec. 34-700. Applicability.

Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this division. Expansions of and changes to existing land uses shall also comply with such requirements.

(Ord. No. 7500, § 8.1(A), 8-19-91)

Sec. 34-701. Interpretation of standards.

In interpreting the provisions of this division, the following standards shall apply:

- (a) *Floor area.* For the purpose of computing parking and loading requirements that are based on the amount of floor area in a building, gross floor area shall be used.
- (b) *Fractions and rounding.* When calculations used in determining the number of required parking and loading spaces result in fractional requirements, any fractions of less than one-half ($\frac{1}{2}$) shall be disregarded and any fraction of one-half ($\frac{1}{2}$) or more shall be rounded to the next highest whole number.
- (c) *Seating-based standards.* For the purpose of computing parking and loading requirements that are based on seating, the parking requirements shall be based on the total number of patron seats shown on the seating diagram submitted pursuant to the Jacksonville Beach Life Safety Code.
- (d) *Multiple use building.* Developments containing three (3) or fewer uses shall provide off-street parking and loading in an amount equal to the sum of the requirements for the individual uses unless a shared parking plan is approved pursuant to Section 34-705.
- (e) *Unlisted uses.* If a use is not specifically listed in the schedule of off-street parking space requirements of Section 34-706, the Planning and Development Department shall apply the off-street parking space requirements of the most closely related use or best practices based on available parking trends and analysis for similar uses.

(Ord. No. 7500, § 8.1(B), 8-19-91)

Sec. 34-702. Design standards.

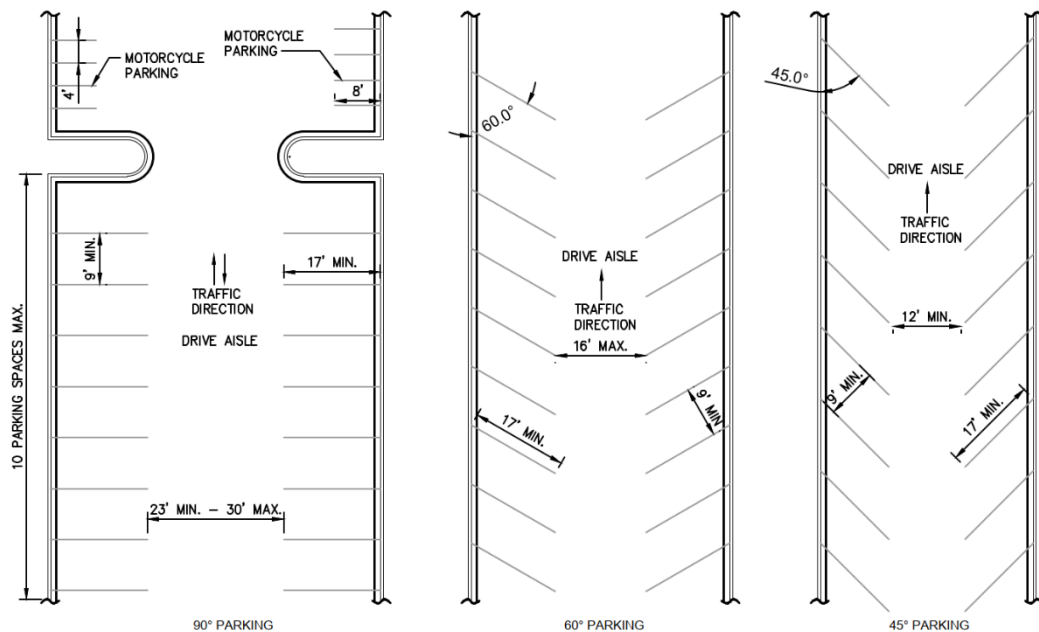
- (a) *Spaces.* The minimum dimensions of off-street parking and loading spaces shall be as follows:
 - (1) *Off-street parking:* Nine (9) feet by seventeen (17) feet.
 - (2) *Parallel parking:* Nine and one-half ($9\frac{1}{2}$) feet by twenty (20) feet.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 1. PARKING AND LOADING

- (3) *Parking for the handicapped:* Twelve (12) feet by seventeen (17) feet, plus a five-foot wide clear area (the clear area may be combined with the clear area for an adjacent handicapped space).
 - (4) *Off-street loading:* Twelve (12) feet by forty (40) feet.
 - (5) *Bicycle parking:* For off-street parking lots containing ten (10) or more spaces, one (1) parking space may be converted to a bicycle parking area.
 - (6) *Compact spaces:* Eight (8) feet by sixteen (16) feet.
 - (7) *Motorcycle spaces:* Four (4) feet by eight (8) feet.
 - (8) *Golf cart spaces:* Five (5) feet by ten (10) feet.
- (b) *Parking aisles.* The minimum required dimensions of off-street parking aisles shall be based on the angle of the parking stalls to the aisle as follows:

Parking Angle (degrees)	Width of One-Way Aisle (feet)	Width of Two-Way Aisle (feet)
30	12	23
45	12	23
60	16	23
90	23	23

Figure 1:



PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 1. PARKING AND LOADING

- (c) *Turning and maneuvering space.* Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto a public street or alley, with the exception of one- and two-family structures, townhouses, or individual multiple-family structures with attached garages or carports.
- (d) *Parking area setbacks.* Off-street parking areas shall be located at least ten (10) feet from any corner and five (5) feet from any established right-of-way or property line (excluding attached dwelling units) unless otherwise stated in the LDC. However, no setbacks are required for driveways relative to interior property lines between townhouse lots or individual two-family dwelling lots, or between a driveway and its connection to a right-of-way for vehicular access. Below ground parking garages on oceanfront lots are exempt from setback requirements, provided that they shall be constructed no closer than three (3) feet from any property line, shall be completely roofed and covered, and such roof or cover shall not be elevated more than six (6) inches above the crown of the abutting street.
- (e) *Curbs and wheel stops.* Curbing or wheel stops shall be provided within off-street commercial parking and loading areas to prevent any part of the vehicle from encroaching upon public rights-of-way, landscape areas or adjacent property. Curbing or wheel stops shall be installed at least five (5) feet from any property line. The requirements provided herein are not applicable to driveways for single-family residences, two-family dwellings, and townhouses.
- (f) *Construction standards.* Off-street parking and loading areas and the vehicular access way thereto shall be paved, striped and landscaped. Required parking and parking space access in residential parking areas may include turf block, permeable pavers or other similar materials, not including gravel. All landscaping shall be in accordance with Section 34-745. The requirements provided herein for striping and landscaping are not applicable to driveways for single-family residences, two-family dwellings, and townhouses.
- (g) *Lighting.* If off-street parking areas are lighted, lighting shall be designed and installed in a manner that will prevent harsh glare or excessive light from spilling onto adjacent property and streets. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.3 footcandles measured at 10 feet from the property line onto the adjacent residential property.

(Ord. No. 7500, § 8.1(C), 8-19-91; Ord. No. 2019-8129, § 1, 12-2-19; Ord. No. 2020-8133, § 7, 3-2-20)

Sec. 34-703. Location of parking facilities.

Parking spaces for all uses shall be located on the same site (parcel) as the principal structure or use unless off-site parking is approved pursuant to Section 34-704. However, handicapped spaces (ADA) may be located within the City's right-of-way upon approval from the Public Works Department.

(Ord. No. 7500, § 8.1(D), 8-19-91)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 1. PARKING AND LOADING

Sec. 34-704. Off-site parking.

If required parking spaces cannot be reasonably provided on the same site (parcel) as the principal use, the Planning and Development Department may approve plans to provide required off-site parking if the following requirements are met:

- (a) *Location.* The nearest boundary of any off-site parking area shall not be located more than three hundred (300) feet from the primary entrance of the principal use served.
- (b) *Zoning.* Off-site parking areas shall be located on lots zoned to permit the principal use being served by the required parking, except that required parking for any residential use may be located in a nonresidential district.
- (c) *Exclusive use.* An off-site parking area may not be used for any purpose other than parking for the principal use.
- (d) *Deed restrictions.* A deed restriction dedicating the off-site parking area for use in conjunction with the principal use shall be prepared and recorded with the deed of both properties. The deed restriction shall specify that the parcel or parcels shall remain as off-street parking for as long as the principal use remains, and shall contain a legal description of the property occupied by the principal use. Evidence of the recording of the deed restriction shall be provided before any construction permit is issued.
- (e) *Signs.* No signs other than one (1) identification sign and traffic directional sign shall be permitted on the off-site parking lot. Such identification sign shall indicate the name and location of the principal use served by the off-site parking area, and shall not exceed three (3) feet in height and four (4) square feet in area.
- (f) *Application:* Off-site parking may be considered shared parking follow the application guidelines set forth in Section 34-705.

(Ord. No. 7500, § 8.1(E), 8-19-91)

Sec. 34-705. Shared parking.

The Planning and Development Director or designee may authorize a reduction in the number of required parking spaces for a mixed-use development or for uses which are located near one another and which have different peak parking demands and operating hours. Shared parking arrangements shall be subject to the following requirements.

- (a) *Application.* An application for shared parking shall include a description of the use, a development plan complying with the requirements of Section 34-571 and Section 34-573, a trip generation report, and a parking study and other information deemed necessary by the Planning and Development Department.
- (b) *Location.* All shared parking shall be located in an area providing reasonable accessibility to all uses which it is intended to serve.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 1. PARKING AND LOADING

- (c) *Agreements.* In cases where the uses for which shared parking is requested are located on lots under different ownership, proof of a long-term lease agreement and deed recordings shall be required and shall be subject to review by the City attorney.
 - (d) *Standards.* In determining whether to approve a reduction for shared parking, the following shall be considered:
 - (1) Characteristics of each use and projected peak parking demand, including hours of operation;
 - (2) Potential reductions in vehicle movements afforded by multi-purpose use of spaces by employees, customers or residents; and
 - (3) Potential improvements in access, design, open space preservation and circulation.
- (Ord. No. 7500, § 8.1(F), 8-19-91)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

Sec. 34-706. Off-street parking space requirements.

Off-street parking spaces shall be provided in accordance with the following minimum standards. The Central Business District (CBD) contains a separate set of minimum parking standards as shown in Table 34-706.2 and a parking exemption area, as illustrated in Exhibit 34-706.1. The CBD is also subject to a 50% parking requirement discount, in addition to the allowable parking reductions as set forth in Section 34-707. All other Zoning Districts shall follow the minimum parking standards in Table 34-706.1. Except as provided herein, in no case shall any business or office use provide fewer than three (3) off-street parking spaces, and meet ADA parking requirements. Required off-street parking spaces for a residential use may be provided through garage and/or driveway parking spaces.

Reductions in the required amount of parking or additional increases in parking, beyond the allowed, shall require a variance and parking demand analysis.

Table 34-706.1 below outlines the applicable parking requirements for all Zoning Districts, except CBD and approved RD Districts that are located within the boundaries of the CBD.

Table 34-706.1 Parking Space Requirements

USE TYPE	REQUIREMENT
Residential and Lodging Uses	
Single-family, mobile home, and multiple-family dwellings	2 spaces per dwelling unit.
Townhouses	A minimum of one (1) car garage. A minimum of two (2) parking spaces in the driveway.
Housing for the elderly	1 space per dwelling unit.
Hotels and motels	1.25 spaces per guest room for the first fifty (50) guest rooms and 1space per guest room over fifty (50).
Rooming and boarding houses	1.25 spaces per guest room.
Commercial Uses	
See Sec. 34-707 for optional off-street parking reductions available for commercial uses in any Zoning District.	
Shopping centers	
Shopping center under 40,000 sq. ft	3 spaces per 1,000 sq. ft. of floor area.
Shopping center between 40,000 – 150,000 sq. ft.	3 spaces per 1,000 sq. ft. of floor area.
Shopping center greater than 150,000 sq. ft.	2.5 spaces per 1,000 sq. ft. of floor area.
Marinas	1 space per four (4) wet berths plus 1 space per six (6) dry storage spaces.
Auto repair establishments	Two (2) spaces per repair stall, plus one (1) space per three hundred (300) sq. ft. of non-stall floor area.
Barber and beauty shops	2 spaces per chair or station.
Banks	1 space per two-hundred fifty (250) sq. ft. of floor area.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

USE TYPE	REQUIREMENT
Restaurants	1 space per one hundred (100) sq. ft. of floor area.
Fast Casual Restaurant	1 space per one hundred (100) sq. ft. of floor area.
Fine Dining Restaurant	5 spaces per 1,000 sq. ft. of floor area
Alcoholic Beverage Establishments, (specifically, private clubs, nightclubs, bars, and taverns)	1 space per one hundred (100) sq. ft. of floor area.
Commercial uses not specifically listed	1 space per two hundred (200) sq. ft. of floor area.
Professional and Office Uses	
Medical and dental office or clinic	1 space per two hundred (200) sq. ft. of floor area.
Veterinary clinic	1 space per three hundred (300) sq. ft. of floor area.
Other professional or business offices	1 space per three hundred (300) sq. ft. of floor area.
Industrial Uses	
General Light Industrial	1 space per 1,500 sq. feet
Industrial Park	1 space per 1,000 sq. feet
Manufacturing	1 space per 1,000 sq. feet
Warehousing	1 space per 3,000 sq. feet
Mini-Warehouse	1 space per 5,000 sq. feet
Recreational and Similar Uses	
Bowling alleys	4 spaces per bowling lane.
Amusement areas (rides, miniature golf, etc.)	1 space per four hundred (400) sq. ft. of area bounded by the property lines containing the amusement area.
Theaters, auditoriums, stadiums, arenas and similar meeting places	1 space per three (3) seats.
Community centers or similar facilities	4 spaces per 1,000 sq. ft. of floor area or 1 space per three (3) seats, whichever is greater.
Public, private and commercial parks, campgrounds and recreational areas	1 space per campsite, plus one (1) space per each three (3) picnic tables.
Institutional Uses	
Sanitariums, rest homes, nursing homes, convalescent homes	1 space per two (2) beds.
Hospitals	1.5 spaces per bed.
Churches and funeral homes	1 space per four (4) seats.
Art gallery, library, museum	1 space per four hundred (400) sq. ft. of floor area.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

USE TYPE	REQUIREMENT
Elementary and middle school	2 spaces per classroom, office room and kitchen.
High school	6 spaces per classroom, plus one (1) space per teaching, administrative and staff person.
Child day care and kindergarten	1 space per three hundred (300) sq. ft. of floor area, plus adequate provision for the loading and unloading of children.
Dance, art and music studios	1 space per two hundred (200) sq. ft. of studio floor area.
Colleges, junior colleges, universities, vocational and business schools	1 space per one hundred (100) sq. ft. of floor area.

(Ord. No. 7500, § 8.1(G), 8-19-91; Ord. No. 2009-7980, § 1, 12-20-10)

Table 34-706.2 below outlines all parking requirements only within the CBD or any approved RD Districts that are located within the boundaries of the CBD.

Existing non-residential and non-hotel properties located within the Downtown Incentive Zone (DIZ) Parking Exemption Area that have primary or secondary frontage on First Street North within the designated Parking Exemption Area shall be exempt from any requirements that would require creation of new on-site parking facilities otherwise required by these Land Development Regulations.

Table 34-706.2 below outlines the applicable parking space requirements within the CBD.

Table 34-706.2 CBD Parking Space Requirements

USE TYPE	REQUIREMENT
Residential and Lodging Uses	
Single-family, Urban single-family, and multiple-family dwellings	2 spaces per dwelling unit.
Townhomes	3 spaces per dwelling unit.
Hotels and motels	0.75 space/guest room
Commercial Uses	
See Sec. 34-379 for optional off-street parking reductions available for commercial uses in any Zoning District.	
Shopping centers	
Shopping center under 40,000 sq. ft	1 space per 500 sq. ft. of floor area.
Barber and beauty shops	1 space per chair or station.
Banks	1 space per five hundred (500) sq. ft. of floor area.
Restaurants	1 space per three hundred (300) sq. ft. of food-service area.
Fast Casual Restaurant	1 space per two hundred (200) sq. ft of food-service area
Fine Dining Restaurant	2.5 spaces per 1,000 sq. ft. of floor area
Private clubs, nightclubs, bars, and taverns	1 space per two hundred (200) sq. ft. of floor area.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

USE TYPE	REQUIREMENT
Professional and Office Uses	
Medical and dental office or clinic	1 space per four hundred (400) sq. ft. of floor area.
Other professional or business offices	1 space per six hundred (600) sq. ft. of floor area.
Recreational and Similar Uses	
Bowling alleys	4 spaces per bowling lane
Amusement areas (rides, miniature golf, etc.)	1 space per four hundred (400) sq. ft. of area bounded by the property lines containing the amusement area.
Theaters, auditoriums, stadiums, arenas and similar meeting places	1 space per six (6) seats.
Community centers or similar facilities	4 spaces per 1,000 sq. ft. of floor area or 1 space per three (3) seats, whichever is greater.
Institutional Uses	
Churches and funeral homes	1 space per four (4) seats.
Art gallery, library, museum	1 space per 1,000 sq. ft. of floor area.
Child day care	1 space per six hundred (600) sq. ft. of studio floor area, plus adequate provision for the loading and unloading of children.
Dance, art and music studios Colleges, junior colleges, universities, vocational and business schools	1 space per two hundred (200) sq. ft. of floor area.

*If parking is located within the DIZ Parking Exemption Area, the following criteria below applies:

Parking Exemption Area means the area bordered by the boardwalk, Second Street North, 1st Avenue North, and 6th Avenue North that meet the following criteria:

1. Existing non-residential and non-hotel properties located within the Downtown Incentive Zone (DIZ) Parking Exemption Area that have primary and/or secondary frontage on First Street North within the designated Parking Exemption Area shall be exempt from any requirements that would require creation of new on-site parking facilities otherwise required by these Land Development Regulations.
2. Existing approved Redevelopment District: RD Zoning Districts are not eligible for Parking Exemption Area exemptions.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

Exhibit 34-706.1 DIZ Parking Exemption Area



Sec. 34-707. Optional Off-Street Parking Reductions for Commercial Uses

Commercial uses, as classified by Section 34-706, are eligible for a reduction in the required number of off-street parking spaces in accordance with the below. Restaurant uses are only eligible if they are in the Central Business District (CBD).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

Off-Street Parking Reductions (Commercial Uses Only)		
	Central Business District (CBD)	All other zoning designations*
Bicycle Parking	Maximum off-street parking reduction of 20%. 1% reduction for every 2 bicycle parking spaces.	Maximum off-street parking reduction of 20%. 1% reduction for every 2 bicycle parking spaces provided.
Compact and EV Parking	Maximum off-street parking reduction of 10%. 1% reduction for every 1 compact parking space provided.	Maximum off-street parking reduction of 5%. 1% reduction for every 1 compact parking spaces provided.
Golf Cart Parking	Maximum off-street parking reduction of 40%. 5% reduction for every 1 golf cart parking space provided	Maximum off-street parking reduction of 25%. 5% reduction for every 1 golf cart parking spaces provided.
Motorcycle Parking	Maximum off-street parking reduction of 5%. 1% reduction for every 1 motorcycle parking spaces provided.	Maximum off-street parking reduction of 5%. 1% reduction for every 1 motorcycle parking spaces provided.
Pervious Parking Area	Maximum off street parking reduction of 5%. 1% reduction for every 1 standard vehicular pervious parking space provided.	Maximum off street parking reduction of 5%. 1% reduction for every 1 standard vehicular pervious parking space provided.
Proximity to Public Parking (<0.25 mile)	Off-street parking reduction of 10%.	Off-street parking reduction of 5%.
Proximity to Urban Trail (<300 ft.)	Off-street parking reduction of 10%.	Off-street parking reduction of 5%.
Enhanced Landscaping	Provide 1 shade tree in addition to the code required landscaping and reduce 1 required parking space	Provide 1 shade tree in addition to the code required landscaping and reduce 1 required parking space
MAXIMUM REDUCTION	50% of required parking.	30% of required parking.
*Excluding restaurant uses.		

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

Sec. 34-708. Parking for disabled persons.

- (a) *Provision of spaces.* Parking spaces for disabled persons shall be reserved and posted in all commercial and industrial Zoning Districts and in any other Zoning Districts where use is open to the public.
- (b) *Location of spaces.* Parking spaces for disabled persons shall be conveniently located near entrances. Ramps to sidewalks shall be provided and conveniently located in relationship to parking spaces. These spaces may also be located within the City's right-of-way upon approval from the Public Works Department.
- (c) *Number of spaces.* The required number of parking spaces for disabled persons shall be as follows:

Total No. of Spaces	No. of Accessible Spaces Required
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20
Plus 1 per each 100 over 1,000	

Provided, however, when parking spaces are leased at such parking facilities, the number of parking spaces for disabled persons shall be increased or decreased based on demonstrated and documented need. A minimum of four (4) parking spaces for disabled persons shall be provided at a physical restoration rehabilitation center or hospital.

(Ord. No. 7500, § 8.1(H), 8-19-91)

Sec. 34-709 Payment in lieu of off-street parking.

- (a) *Purpose.* In lieu parking contributions are hereby authorized by the establishment of a fee to be paid to the City of Jacksonville Beach. Said fee is a required condition of approval for relief from the off-street parking requirements set forth in Section 34-706 of this chapter for properties located within the central business district: CBD or a redevelopment district: RD. Such payments will allow the City of Jacksonville Beach to acquire land, finance, design, construct, and carry out maintenance and repairs to public parking facilities; and to perform other necessary and desirable actions to provide public off-street parking facilities.
- (b) *General provisions.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

- (1) In lieu of providing the parking spaces required by this chapter, the owner of a building or use requiring off-street parking spaces shall, upon approval by the Planning and Development Department, of an application for relief from said requirements, pay to the City of Jacksonville Beach the established amount per parking space that is not to be provided.
 - (2) The amount per space to be paid in lieu of providing required off-street parking shall be administratively reviewed and established on an annual basis. Factors to be considered when establishing the amount of the funds to be contributed per "in lieu" space are:
 - a. Current construction cost of a comparable parking structure, as determined by the City's Public Works Department ("A").
 - b. Current cost of annual maintenance of a single parking space within a comparable parking structure ("B");
 - c. Number of off-street parking spaces to be waived ("C").
 - d. The total fee for payment in lieu of parking ("D") will be calculated as follows: $(A + B) \times C = D$.
 - (3) In the event that the Planning and Development Department approves an application for relief from an off-street parking requirement for all or a portion of the required number of parking spaces in the central business district: CBD or redevelopment district: RD, such relief shall be granted only upon the condition that the applicant make payment to the City of Jacksonville Beach in accordance with the provisions of this Section for the number of spaces waived.
 - (4) Any off-street parking requirement met in this manner shall not require the payment of an additional fee, unless a change in use of the land generates an additional parking requirement. In such case, the applicant may choose to provide the additional required off-street parking or provide in lieu payment for the required additional parking.
 - (5) All funds received in lieu of parking spaces shall be placed in a separate parking improvement fund to be used solely to acquire land, finance, design, construct, and carry out maintenance and repairs to public parking facilities; and to perform other necessary and desirable actions to provide public off-street parking facilities. Payment of such funds does not guarantee the construction of any spaces in a particular area of the central business district or within any particular period of time. In-lieu parking payments are solely an alternative means of satisfying the applicant's obligation to provide off-street parking in accordance with this division. Funds paid to the City as a fee in lieu of parking shall not be refundable for any reason.
 - (6) Payment of in lieu fees must be made to the City at the time of issuance of the applicable building permit, or within six (6) months of the approval of the in lieu payment, whichever comes first.
 - (7) Nothing herein shall be deemed to require the City to undertake the acquisition, construction, expansion, or development of any particular off-street parking facility.
- (Ord. No. 2009-7980, § 2, 12-20-10)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS

Sec. 34-710. Off-street loading space requirements.

- (a) *Number of spaces.* Uses which normally require the receipt or distribution of a large volume of materials or merchandise by vehicles, excluding uses in the CBD, including but not limited to hospitals, institutions, motels, commercial, wholesale, industrial or similar uses, shall provide off-street loading spaces in the following amounts:

Floor Area (square feet)	Minimum Number of Spaces
5,000—20,000	1
20,001—50,000	2
50,001—80,000	3
80,001—125,000	4
125,001—175,000	5
175,001—225,000	6
225,001—280,000	7
Per additional 60,000	1

- (b) *Location and size of spaces.* Each off-street loading space shall have direct access to an alley or street and shall have the following minimum dimensions: Length—forty (40) feet; width—twelve (12) feet; height (if space is covered)—fourteen (14) feet.

(Ord. No. 7500, § 8.1(l), 8-19-91)

Secs. 34-711—34-715. Reserved.

DIVISION 2. SUPPLEMENTAL STANDARDS

Sec. 34-716. Accessory uses and structures.

Accessory uses and structures are permitted in all Zoning Districts provided that such uses and structures are customarily incidental and clearly subordinate to a permitted use and, unless otherwise provided, are located on the same lot (or contiguous lot in the same ownership) as the permitted use. Where a building or portion thereof is attached to a building or structure containing such principal use, such building or portion thereof shall be considered as a part of a principal building and not an accessory building. The accessory structure shall be connected to the main dwelling by way of an enclosed air-conditioned connection, not a breezeway, where the accessory use can be heated, cooled, has ventilation, and the proper utility connections. The main dwelling and accessory structure shall have a maximum distance between the two structures no more than 10 feet. Accessory uses shall not involve operations or structures not in keeping with the character of the Zoning District where they are located and shall be subject to the following requirements.

- (a) *Setbacks.* Detached accessory structures shall observe the following setback requirements from adjacent property lines:
- (1) *Generally.* Detached accessory structures excluding temporary structures may be located in a required rear yard but shall be no closer than five (5) feet from any interior lot line. Street side and front yard setbacks shall be maintained on corner lots for the full length and width of the lot.
 - (2) *Equipment.* Air conditioning compressors or other equipment designed to serve the main structure may be located in any required rear yard but shall not project more than three (3) feet into any required yard in a residential district.
 - (3) *Walkways.* Walkways may connect to primary and/or detached accessory structures, driveways, and public sidewalks, and may be located in a required front, side, or rear yard area, but shall be setback a minimum of two (2) feet from any exterior property line, except for interior property lines between individual two-family dwelling lots and individual townhouse lots for which no setback is required.
 - (4) *Oceanfront lots.* A detached accessory building may be constructed in the required setback area of the front yard of any oceanfront lot provided that the following conditions are met:
 - a. The accessory building shall not extend beyond the width of the principal building.
 - b. The accessory building shall not exceed fifteen (15) feet in height above grade.
 - c. The accessory building shall not exceed six hundred and twenty-five (625) square feet in ground floor area of the enclosed area only.
 - d. A landscape buffer strip with a minimum width of fifteen (15) feet from the front or rear property line shall be established and maintained, exclusive of required walks and driveways.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (b) *Household pets.* Household pets, like cats, dogs, hamsters, or birds, along with related doghouses and pens, are a permitted accessory use to residential uses in all Zoning Districts, provided the number of such pets over six (6) months in age shall not exceed three (3), and the keeping of four (4) or more dogs, six (6) months of age or older, shall be considered a kennel. Hens as household pets are limited to five (5) where permitted upon lands in the City.
- (c) *Residential accessory uses.* Accessory uses and structures in any residential Zoning District excluding ADU's shall include non-commercial greenhouses, gardens, detached garages and carports, piers, docks, and boat houses or shelters, utility sheds and workshops, swimming pools, tennis courts, private golfing facilities, barbecue pits, non-commercial antenna structures for television and radio, children's playhouses or play equipment, and similar uses or structures which:
- (1) Do not exceed fifteen (15) feet in height,
 - (2) The combined ground floor area of all enclosed, detached accessory use buildings shall not exceed six hundred twenty-five (625) square feet,
 - (3) Do not involve the conduct of business of any kind;
 - (4) Are of a nature not likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood; and
 - (5) Do not involve operations or structures not in keeping with the character of the residential neighborhood.
- (d) *Pools.* Private swimming pools, as regulated herein, shall be any pool, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for personal (not for profit) swimming or bathing purposes. Residential pools are for residential use only, they may not be used for commercial uses as applicable with the Florida Building Code.
- (1) *General.* A private swimming pool shall be allowed in any residential Zoning District as an accessory use only if it fully complies with the following standards:
 - a. The pool shall be used solely for the enjoyment of the occupants of the principal use on the property or their guests.
 - b. The pool shall be located, designed, operated, and maintained so as not to interfere with the rights of the adjoining properties.
 - c. The pool shall not be located in any required front yard forward of the front plain of the house nor encroach into any required side yard.
 - d. The pool shall be constructed and enclosed in compliance with the requirements set forth in the Florida Building Code as adopted or amended by the City.
 - (2) *Oceanfront lots.* Below ground swimming pools and a related pump house no more than fifteen (15) feet in height may be constructed in the required front and rear yards if a landscape buffer strip is provided and maintained, with a minimum width of fifteen (15) feet from the property line, exclusive of required walks and driveways.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (3) *Screen enclosures.* A screen enclosure constructed around and over a swimming pool may be constructed within five (5) of the rear property line if not attached to the primary structure. The screen enclosure shall meet the side setback requirements applicable to the Zoning District.
- (4) *Screening of dumpster/solid waste container areas.* All solid waste containers, including, but not limited to, compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If screening is required to eliminate the visibility of a container from adjacent streets and properties, then the type of screening used shall be determined based on the proposed location of the solid waste container, existing site conditions, and the type and amount of existing vegetation on the site. All solid waste containers shall meet the standards set forth by the Public Works Department.

(Ord. No. 7500, § 8.2(B), 8-19-91; Ord. No. 97-7714, § 1, 8-4-97; Ord. No. 2004-7880, § 1, 7-19-04; Ord. No. 2019-8129, § 2, 12-2-19; Ord. No. 2020-8131, § 3, 2-3-20; Ord. No. 2020-8133, § 7, 3-2-20)

Sec. 34-717. Alcoholic beverage establishments.

Alcoholic beverage establishments shall be subject to the following supplementary standards.

- (a) *Proximity to churches and schools.* An establishment, where permitted, which provides primarily for the consumption of alcoholic beverages on the premises shall not be located within five hundred (500) feet of a school or church measured from main entrance to main entrance (portal to portal) by the most direct pedestrian route. Hotels with one hundred (100) or more rooms and restaurants with a seating capacity of one hundred twenty (120) or more may be located closer than five hundred (500) feet to a school or church. Restaurants located in the Downtown Incentive Zone with seating capacities of fifty (50) or more may be located closer than five hundred (500) feet to a school or church. Religious organizations that are not the primary use within a shopping center are exempt from the alcoholic beverage distance requirement.
- (b) *Proximity to other alcoholic beverage establishments.* An establishment whose primary activity involves the consumption of alcoholic beverages on the premises shall not be located within five hundred (500) feet of a similar existing establishment, measured from main entrance (portal to portal) by the most direct pedestrian route. Hotels with one hundred (100) or more rooms, restaurants with seating capacities of one hundred twenty (120) or more and businesses wherein the sale of alcoholic beverages is only incidental to the principal use may be located closer than five hundred (500) feet to another establishment serving alcoholic beverages for consumption on the premises. Restaurants located in the Downtown Incentive Zone with seating capacities of fifty (50) or more may be located closer than five hundred (500) feet to another establishment serving alcoholic beverages for consumption on the premises.
 - (1) An establishment, that is already in existence and not abandoned, whose primary activity involves the consumption of alcoholic beverages on the premises and is considered legal non-conforming, only within the Central Business District (CBD) can be rebuilt, repaired, or renovated so long as the gross square footage does not increase.

(Ord. No. 7500, § 8.2(C), 8-19-91; Ord. No. 2023-8201 , § 2, 8-21-23)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Sec. 34-718. Child day care services.

Child day care services, including day nurseries, kindergartens and child care centers, shall provide proof of state licensure in addition to the following conditions:

- (a) *Lot area.* The minimum lot area shall be not less than seven thousand five hundred (7,500) square feet except for lots of record platted prior to the adoption of the LDC.
- (b) *Outdoor play area.* A fenced outdoor play area, which complies with all applicable state requirements, shall be provided in the rear yard.
- (c) *Compliance with state standards.* All facilities, operation and maintenance shall meet all applicable City and state regulations for such use.
- (d) *Capacity.* Shall follow Florida State requirements and licensure requirements for centers with over five children.
- (e) *Parking.* An adequate number of parking spaces shall be provided for employees and business owners, as well as a sufficient drop off area for children.

(Ord. No. 7500, § 8.2(F), 8-19-91)

Sec. 34-719. Compatibility setbacks.

Where a commercial or industrial Zoning District is adjacent to the side yard of a residential Zoning District, the side yard adjacent to the residential Zoning District shall not be less than the minimum side yard requirement of the adjoining residential Zoning District, and the front yard of the commercial or industrial Zoning District shall not be less than that of an adjacent residential Zoning District for a distance of three hundred (300) feet from the common property line or the termination of the block, whichever is less.

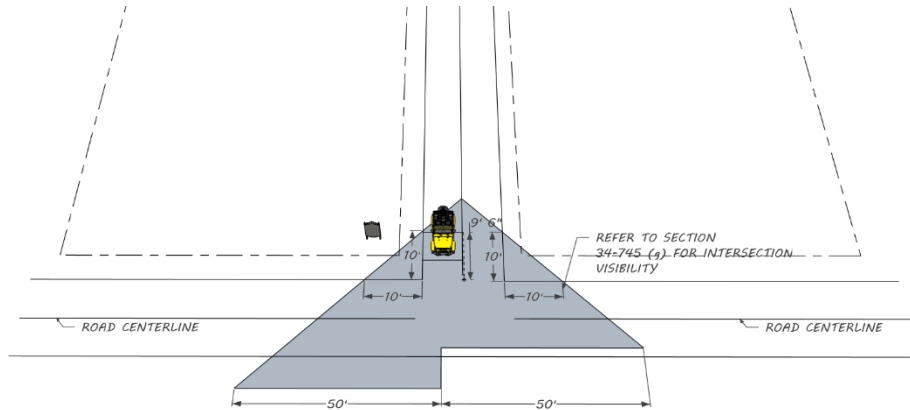
(Ord. No. 7500, § 8.2(D), 8-19-91)

Sec. 34-720. Corner visibility.

On a corner lot in all Zoning Districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 ½) 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 fifteen (15) feet from the point of intersection (in the CBD this length shall be reduced to ten (10) feet. In addition to these requirements, landscaping within sight visibility triangles shall be governed by the standards of Section 34-745(g).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Figure 1:



(Ord. No. 7500, § 8.2(E), 8-19-91; Ord. No. 2020-8133 , § 7, 3-2-20)

Sec. 34-721. Essential public services.

Essential public services may be permitted by conditional use in any Zoning District where they are not otherwise permissible. Essential public services include duly organized fire/rescue units and are otherwise limited to certain installations of water, sewer, gas, telephone or electrical systems. This division shall not be deemed to permit the location in a Zoning District of such major installations as electrical or gas generating plants, sewage treatment plants, water pumping or aeration facilities and other similar major installations, unless such facilities were constructed or actual physical construction was started prior to the adoption of the LDC. The following supplementary standards shall apply to such uses:

- (a) This division shall not be deemed to permit the erection of structures for commercial activities such as sales of related merchandise or collection of bills in Zoning Districts from which such activities would otherwise be prohibited.
- (b) Within the limits of their proposed function, the architecture and landscaping shall be harmonious with the surrounding neighborhood.

(Ord. No. 7500, § 8.2(G), 8-19-91)

Sec. 34-722. Fences.

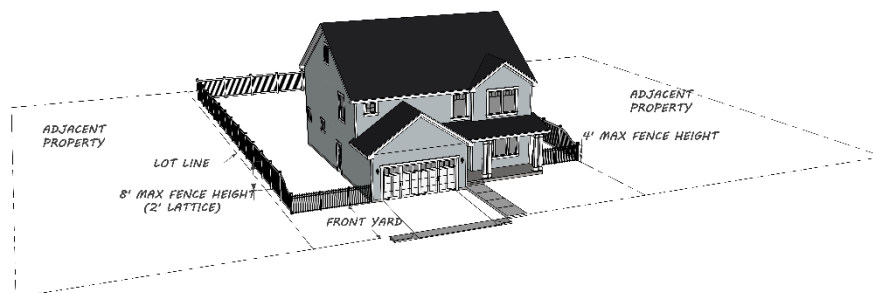
All fences are required to receive approval by the Planning and Development Department and submit for a building permit. All fences shall comply with Section 34-720 corner visibility.

- (a) *Residential Zoning Districts fences.* The following are fence regulations in residential Zoning Districts:
 - (1) **Materials.** All fences in residential Zoning Districts shall be constructed such as pressure treated wood, composite wood, PVC wood, metal, or masonry. Barbed wire and chainlink fences are not permitted.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (2) Height. The fence height in a residential district shall be a maximum of six (6) feet and located within the property boundaries. Additionally, fences shall not be taller than four (4) feet in a designated front yard and shall be setback at least two (2) feet from the right of way.
- a. A fence located in a side or rear yard, except rear yards of oceanfront lots in the RS-1 Zoning District, may be constructed at a height not to exceed eight (8) feet provided that the following requirements are met:
 - b. All fences installed pursuant to this subsection shall be constructed of pressure treated wood, composite wood, PVC wood, or masonry. In no case shall fences constructed of chainlink wire fabric be permitted to exceed six (6) feet in height.
 - c. Any portion of said fence in excess of six (6) feet in height shall meet the following:
 1. Limited to up to two (2) feet above the allowed six (6) feet.
 2. The additional height shall be composed of either lattice or slats to allow visibility and air flow above six (6) feet.
 - d. Side and rear yard fences on single-family residential uses that are immediately adjacent to an established commercial or industrial use may be built to a height not to exceed eight (8) feet and may be constructed without twenty-five (25) percent of the aggregate surface area being open, even when the property is separated by an intervening alley. A fence in the rear yard of any oceanfront lot in an RS-1 Zoning District shall not exceed three and one-half (3½) feet in height.
- (3) *Impairment of visibility at intersections prohibited.* Clear sight distance shall be maintained at the intersections of streets, alleys, and curbcuts in accordance with Section 34-745(g).
- (4) *Enclosure of swimming pool.* All swimming pools shall be enclosed by a fence of not less than four (4) feet in height equipped with a gate which shall have a self-closing and self-locking device for keeping the gate securely closed at all times when not in actual use. The fence and gate shall not be required if entry to the pool by any person other than those residing or renting sleeping quarters on the property containing the pool is prevented by a wall, buildings, structures, or any other substitute devices so long as the degree of protection is not less than the protection afforded by the fence, gate, and latch described herein.

Figure 1:



PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

(b) *Commercial fences.*

- (1) *Material; use of barbed wire.* Fences shall be constructed of wood, masonry, chain link wire or other materials approved by the Planning and Development Department. Barbed wire shall not be permitted in residential Zoning Districts. When permitted, barbed wire shall be located at the top of the fence, being not less than six (6) feet in height. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
- (2) *Height restrictions.*
 - a. Except as provided for in this division or as modified by the other provisions of the LDC, all fences in and around the front yard of any lot shall not exceed four (4) feet.
 - b. An eight-foot, nonopaque chainlink fence may be erected along the property line of any recreational facility owned or leased by a school, church, or unit of government.
 - c. Chainlink fences for public or private tennis courts shall not be required to comply with height regulations. Windscreens may be installed provided that visibility at intersections of public rights-of-way is not impaired. Fences for private tennis courts shall be constructed within the required setbacks for accessory uses in the particular Zoning District in which the fence is located.
 - d. Government and private properties shall not be held to the standards for height and therefore the height restriction shall not apply.
- (3) *Security fences.*
 - a. An eight-foot high security fence may be installed in the front, side and rear yard of any government use or essential public service facility in any zone, provided that a clear sight distance as required by Sections 34-720 and 34-745(g) is maintained. Any barbed wire shall be located at the top of the fence. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
 - b. A six-foot high non-opaque chainlink fence may be installed for security purposes in the front yard of any lot which is adjacent to vacant parcels. As a condition to receipt of a permit, any fence constructed in accordance with the provisions of this paragraph shall be removed after the block or tract is seventy-five (75) percent developed. All residential lots must meet the residential standards for design in accordance with each Zoning District in Article VI.
 - c. *Impairment of visibility at intersections prohibited.* Clear sight distance shall be maintained at the intersections of streets, alleys, and curbcuts in accordance with Section 34-745(g).
 - d. *Approval by the Planning and Development Department required.* All fences are to be approved by the Planning and Development Department.
 - e. *Fences to be maintained and repaired.* All fences shall be maintained in a good state of repair and structurally sound condition, including but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Failure to so maintain and repair said fence may result in the fence being declared a nuisance and abated in accordance with the provisions of Chapter 19 of the Jacksonville Beach Code.

(Ord. No. 7500, § 8.2(P), 8-19-91; Ord. No. 2002-7827, § 1, 3-4-02; Ord. No. 2022-8187, § 2, 12-5-22)

Sec. 34-723. General requirements for yards.

- (a) *Obstructions.* Every part of a required yard shall be open from its lowest point to the sky, as measured from the exterior bearing or non-bearing walls, columns or supports to the property line except for the projection of chimneys, flues, eaves or architectural embellishments, provided, however, that none of the above projections shall encroach into the required setback more than twenty-four (24) inches or in the case of eaves, thirty (30) inches.
- (b) *Double frontage (through) lots.* On double frontage (through) lots, the required front yard shall be provided on each street.
- (c) *Fire escapes, stairways and balconies.* Fire escapes, stairways, or balconies may intrude two (2) feet into the required front or rear yards and a two (2) foot into the side yard. These structures shall not intrude into the required side yards unless there is at least a ten (10) foot side yard setback.

Figure 1:

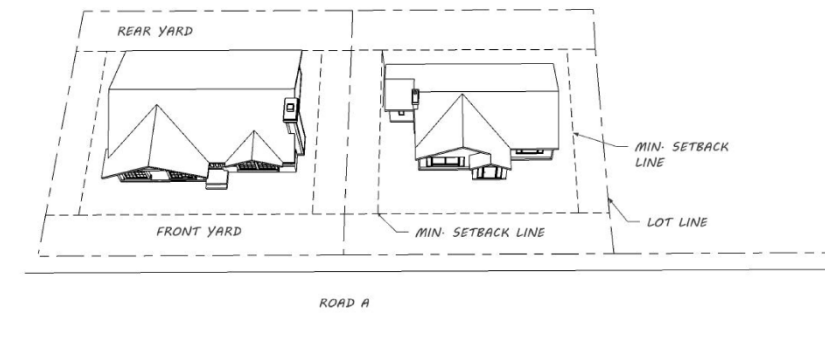
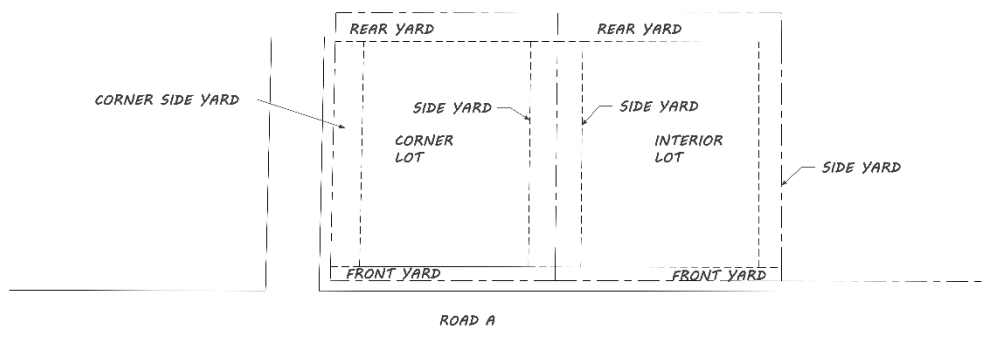
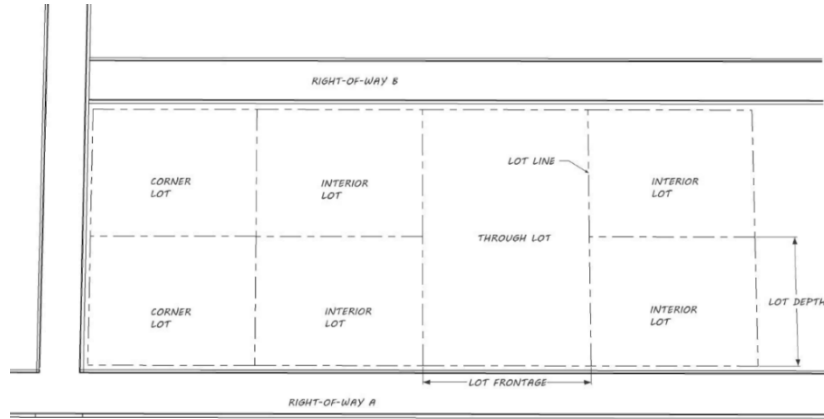


Figure 2:



PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Figure 3:



(Ord. No. 7500, § 8.2(A), 8-19-91)

Sec. 34-724. Height limit exemptions.

The Zoning District height limitations contained in Article VI, Zoning Districts, do not apply to spires, belfries, cupolas, flag poles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.

(Ord. No. 7500, § 8.2(H), 8-19-91; Ord. No. 2005-7899, § 9, 4-4-05)

Sec. 34-725. Home-based businesses.

- (a) *Location.* Home-based businesses shall be permitted in all residential Zoning Districts. In any instance where a dwelling unit is used to conduct a home-based business consistent with the following requirements, a business tax receipt shall be required.
- (b) *General requirements.* When permitted, home-based businesses shall be conducted in accordance with the following provisions and with any other restrictions that are contained within the individual residential Zoning District regulations:
 - (1) Home-based businesses must be secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling unit thereof.
 - (2) The owner of the business must reside at the address registered for the home-based business. No more than two additional employees or contractors who do not reside at the address shall be engaged in the home-based business; however, additional remote employees that do not work on-site are allowed.
 - (3) As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to the residence to accommodate a home-based business shall conform to the residential character and architectural aesthetics of the neighborhood.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (4) No equipment or process shall be used in any home-based business that creates any more noise, vibration, glare, fumes, odors, or electrical interference than that which is allowed at other residential properties.
- (5) No home-based business shall generate or attract unsafe, excessive, or hazardous vehicular or pedestrian traffic to the residence.
- (6) Home-based businesses cannot conduct any retail transactions in any accessory building.
- (7) Vehicles and trailers used in connection with the home-based business shall be legally parked and shall not be within the right-of-way or over a sidewalk. Heavy equipment cannot be parked or stored visible from the street or neighboring property.
- (8) The need for parking generated by the home-based business shall not be more than would normally be expected at a similar residence where no business is conducted.
- (9) The home-based business activities comply with any relevant City of Jacksonville Beach regulations with respect to signage.

(Ord. No. 7500, § 8.2(J), 8-19-91)

Sec. 34-726. Medical marijuana treatment center dispensing facilities and pharmacies.

(a) *Medical marijuana treatment center dispensing facilities.*

- (1) *Proximity.* A medical marijuana treatment center dispensing facility may not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes § 381.986(11)(c).
- (2) *Hours of operation.* A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 p.m. and 7:00 a.m., as set forth in Florida Statute § 381.986(8)(f)(4).

(b) *Pharmacies.*

- (1) *Hours of operation.* A pharmacy may not operate between the hours of 9:00 p.m. and 7:00 a.m.
- (2) *[Exemption.]* A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

(Ord. No. 2018-8104 , § 2, 2-19-18; Ord. No. 2019-8123 , § 2, 8-5-19)

Sec. 34-727. Outdoor restaurants and bars.

In addition to the standards applicable to all conditional uses, as stated in Section 34-553, and in addition to the regulations of the Zoning District in which the restaurant or bar is located, outdoor restaurants and bars that are permitted or allowed in any Zoning District shall be subject to the following limitations and conditions:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (a) The unenclosed, outdoor area of the restaurant or bar shall be accessory to and under the same ownership or control as the restaurant or bar that is operated within a totally and permanently enclosed building located on the same lot.
- (b) The area of unenclosed, outdoor customer service area of a restaurant shall not exceed seventy-five (75) percent of the total gross enclosed area of the restaurant. The area of unenclosed outdoor bar shall not exceed twenty-five (25) percent of the total enclosed area of the bar. Existing outdoor seating areas shall not be expanded without first receiving conditional use approval.
- (c) Required parking spaces shall be provided for the unenclosed, outdoor customer service area outside of the permanently enclosed building at the same ratio as is required for the permanently enclosed area of the restaurant or bar. Parking is not required for outdoor restaurant areas for the first two hundred fifty (250) square feet or less.
- (d) The outdoor customer service area may be used to compute the minimum seating or customer service area required to qualify for a special food service restaurant's (SFS) alcoholic beverage license. For any establishment selling alcoholic beverages for on-site consumption, the outdoor customer service area shall be enclosed by a minimum forty-two (42) inches high wall or fence. The wall or fence shall be constructed of wood, metal (Except chain link), plastic, or other similar material. No rope, chains or cables of any kind shall be permitted.
- (e) Buffering must be provided around outdoor restaurant or bar areas when immediately adjacent to residential uses. At a minimum, a solid six-foot tall fence should be installed between the commercial and residential uses, or a thirty-six (36) inch diameter pot by a minimum of twenty-four (24) inches high should be provided every five (5) lineal feet of outdoor restaurant area immediately adjacent to a residential use. The plant species should be at least two (2) times as high as the height of the pot.
- (f) No animals except service dogs shall generally be permitted within an approved outdoor restaurant or bar seating area. However, pursuant to Florida State Statutes Section 509.233, other dogs may be allowed in an outdoor restaurant area upon approval of a dogs in outdoor dining area permit application.
- (g) The Planning Commission is authorized to establish hours of operation for conditional use outdoor restaurant and bar seating areas as a means to ensure their capability with surrounding land uses.
- (h) If an approved outdoor restaurant or bar area violates any of the standards set forth in this Section, or any other conditions placed on their approval by the Planning Commission, the violation shall be referred to the special magistrate for a hearing. Upon finding that such a violation exists, the special magistrate may apply penalties as provided by law, including revocation of the conditional use approval for that outdoor seating area. Whenever the approval for a conditional use outdoor bar or restaurant seating area is revoked for a particular establishment, a conditional use application for outdoor bar or restaurant seating shall not be considered for any portion of that establishment for a period of two (2) years after the date of revocation.

(Ord. No. 2002-7828, § 1, 3-4-02; Ord. No. 2006-7918, § 1, 6-19-06; Ord. No. 2008-7961, § 1, 12-15-08; Ord. No. 2010-7992, § 1, 6-21-10; Ord. No. 2017-8095, § 1, 9-5-17; Ord. No. 2021-8168, § 4, 2-7-22)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Sec. 34-728. Storage and parking of commercial vehicles, recreational vehicles, and repair of vehicles in residential zoning districts.

For the dual purpose of preserving attractive residential areas within the City and promoting safe, unimpeded traffic circulation throughout such areas, the following supplemental parking restrictions shall apply:

- (a) *Within a street right-of-way.* The following vehicles shall not be parked or stored on any public street right-of-way or approved private street easement contiguous to a residentially zoned property or residentially used property in an RD or PUD district:
 - (1) Any boat or boat trailer.
 - (2) Any hauling trailer.
 - (3) Any of the following recreational vehicles: Travel trailers, motor homes and camping trailer.
 - (4) Any semi-trailer truck or cab.
 - (5) Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.
- (b) *Within the setback area from a street right-of-way.* The following vehicles shall not be parked or stored, in whole or part, within the required setback area from a street right-of-way or approved private street easement on residentially zoned property or residentially used property in an RD or PUD district:
 - (1) No more than two (2) boats per residential lot
 - (2) Any boat which measures in excess of twenty (20) feet in length.
 - (3) Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length.
 - (4) Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers.
 - (5) Any semi-trailer truck or cab.
 - (6) Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.
- (c) *On any residentially zoned property or residentially used property in an RD or PUD district.* No garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials shall be parked or stored in any residentially zoned property or residentially used property in an RD or PUD district.
- (d) *Occupation.* The trailer or camper shall not be occupied, except for the purpose of repair or maintenance, at any time during the parking or storage. The term "occupied" for the purpose of this division shall include but not be limited to electrical connections (permanent or drop cord),

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

water and sewer connections (flexible or permanent hose), telephone connections (permanent or extension) or personal occupancy of any kind (day or night).

- (e) *Routine Repairs and Maintenance.* There shall not be major repairs and maintenance to oversized and other registered vehicles, except for minor repairs or maintenance (for up to 48 hours), at any time during such storage or parking, but the body of a truck type camper may be removed from the truck or other vehicle.
- (f) *Permit required for temporary occupancy of travel trailer, motor home or camping trailer.* Any owner desiring to temporarily occupy any travel trailer, motor home or camping trailer which has been or is to be stored or parked as permitted in Section 34-727(b) must apply to the Planning and Development Department for a City permit for temporary occupancy. No such permit for temporary occupancy shall be issued for a period in excess of thirty (30) consecutive calendar days and in no event shall such permit be issued for a total in excess of thirty (30) calendar days during any calendar year for the same property. Permits for temporary occupancy shall be issued only for trailers or campers stored or parked on property with a primary residential use, which is owned by the owner of the trailer or camper being stored or parked, and where there is active permitted construction taking place at the occupied residence. Such permit shall be valid only for the term stated on the permit.
- (g) *Enforcement.* The preceding parking restrictions shall be enforced in accordance with the terms of Article XII, Division 1 and the following:
 - (1) The parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where it is parked.
 - (2) The parking restrictions shall not apply to the loading, unloading or cleaning of vehicles provided such act is fully completed in forty-eight (48) hours.
 - (3) The parking of vehicles, boats and trailers in residentially zoned property or residentially used property in an RD or PUD district shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning of Section 34-1101 of this LDC.

(Ord. No. 7500, § 8.2(L), 8-19-91; Ord. No. 2004-7881, § 1, 7-19-04)

Sec. 34-729. Personal wireless service facilities.

- (a) *Purpose and legislative intent.* Federal and state laws recognize the City's authority to regulate the placement, construction, and modification of personal wireless service facilities. The City recognizes that personal wireless service facilities play an important and complex role in the community. The intent of this Section is to ensure that the placement, construction or modification of personal wireless service facilities is consistent with the City's land use policies and balances the community needs.
- (b) *Hierarchy of personal wireless service facility preferences.* The City has established the hierarchy set forth below for personal wireless service facilities, with (1) being the most preferred and (3) being the least preferred. More preferred facilities require fewer approvals and are subject to fewer restrictions.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (1) An antenna located on or in an existing building, whether or not a co-location (see Section 34-729(a)(2), (3) and (5)).
 - (2) The co-location of an antenna on an existing freestanding facility (see Section 34-729(a)(4)).
 - (3) Freestanding facilities (see Section 34-729(b)).
- (c) *Prohibited personal wireless service facilities.* Self-supporting lattice towers, guyed towers, and all freestanding facilities not meeting the requirements of Section 34-729(b) are prohibited.
- (d) *Priority determination.* If the proposed personal wireless service facility is not one of the two highest priorities listed, a detailed explanation and technical justification shall be provided as to why each of the higher priority facilities was not selected. This must include documentation that any existing personal wireless service facility (whether owned by the applicant or not) located within a two-mile radius of the proposed location is physically and/or technically unable to support collocation of additional personal wireless service equipment, that the existing facility is insufficient, or that the existing facility does not meet the engineering requirements of the applicant.
- (e) *Generally applicable review procedures and timeframes.*
- (1) The Planning and Development Department shall notify the applicant for a personal wireless service facility within twenty (20) days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements of the City Code and Land Development Code. An application for personal wireless service facility is deemed properly completed and properly submitted when it is verified that the information contained within the application is true, accurate, and contains all applicable information needed to make a determination as to the merits of the request. Such notification shall indicate with specificity any deficiencies that, if cured, could make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the City shall again have twenty (20) days to notify the applicant of any remaining deficiencies that must be cured. If the applicant does not cure the deficiencies within thirty (30) days, the application shall be considered withdrawn and closed.
 - (2) An application is deemed submitted or resubmitted on the date the application is received by the City. If the City does not notify the applicant that the application is not completed in compliance with this Zoning Code within twenty (20) days after the date the application is initially submitted or resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted.
 - (3) Applications for a collocation of small wireless facilities shall be processed in accordance with Chapter 28, Section 28-76 of the Code of Ordinances of the City of Jacksonville Beach, Florida. Applications for new personal wireless service facilities, including freestanding facilities, shall be processed within 90 days after an application has been properly completed and properly submitted; provided, however, that applications for new utility poles that qualify under said Chapter 28, Section 28-76 shall be processed in accordance with the time frames set forth in Section 28-76.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (4) The timeframes stated in this subsection may be extended or tolled by mutual agreement of the City and applicant.
- (5) The final decision approving or denying an application shall be in writing and supported by "substantial evidence" pursuant to the Communications Act, 47 U.S.C. § 332(c)(7)(B)(iii) and shall comply with the provisions of Land Development Code Article VII, Division 2, Section 34-729.
- (6) Applications must demonstrate that no portion of any abutting, adjoining, or nearby residentially zoned property will be exposed to radio frequency (RF) emissions exceeding the federal safety limits for RF emissions. When installation has been completed for any personal wireless service facility, a post-construction RF energy testing study must be conducted by the applicant and submitted to the City within thirty (30) days following receipt of a certificate of completion for the installation demonstrating that the personal wireless service facility complies with this provision and all federal safety standards for RF energy exposure.
- (f) *[Placement and operation of temporary personal wireless service facilities during a declared emergency.]* During a declared emergency within the City, the City Manager is authorized to allow the placement and operation of temporary personal wireless service facilities within any Zoning District for a period not to exceed ninety (90) days. Placement and operation of temporary personal wireless service facilities beyond the ninety-day limit may be granted by the City Council if deemed necessary for the health, safety, and welfare of the public due to extended disruption in services after a declared emergency.

(Ord. No. 2017-8101 , § 2, 1-16-18)

Sec. 34-730. Personal wireless service facility development standards.

(a) *Antennas.*

- (1) An application for an antenna, whether or not a collocation, shall include the following information:
 - a. The name of the applicant;
 - b. Whether the applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;
 - c. A complete, thorough and accurate description of the proposed antenna, including an elevation drawing of the proposed antenna showing the view from north, east, west and south;
 - d. The type of existing building or structure on which the antenna is proposed to be located;
 - e. Certification that the proposed antenna will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. § 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- f. The proposed use of the antenna;
 - g. The proposed location of the antenna with a map in sufficient detail to indicate the location with precision;
 - h. Written, notarized authorization from the property owner, if different from applicant, that authorizes the installation of the facilities;
 - i. The zoning/land use designation of the site for the proposed antenna;
 - j. The height of the proposed antenna;
 - k. Where applicable, a lighting plan, that is consistent with all federal, state and local requirements;
 - l. Documentation that the proposed antenna and any appurtenances will withstand wind speeds as set forth in the Florida Building Code;
 - m. A plan detailing the steps to visually blend the proposed antenna with surrounding buildings, facilities and features;
 - n. The estimated timeframe for constructing and/or locating the antenna, and any ancillary equipment.
- (2) An antenna classified as an initial (rather than collocation) antenna, located on a rooftop, a rooftop antenna platform, or the exterior of a building shall meet the following minimum criteria:
- a. It is located in a building with a height in excess of four (4) stories in a C-1, C-2, CBD, or RM-2 Zoning District.
 - b. It is located on a rooftop of an existing building in excess of forty (40) feet in height, a rooftop antenna platform located on a roof of an existing building in excess of forty (40) feet in height, or the exterior of an existing building in excess of forty (40) feet in height.
 - c. The height of the antenna shall not exceed twenty (20) feet above the highest point of the building; and
 - d. The antenna shall be camouflaged. An antenna shall be deemed to be camouflaged if the antenna and any ancillary equipment are concealed from view by way of enclosure or through a blending of the antenna and ancillary equipment with the architectural design and appearance, color and scale of the building to which it is attached.
- (3) An antenna located inside a building is permitted provided it is not visible from any surrounding properties or roadways and no portion of the antennae is recognizable or discernible from the exterior of the building. Architectural features concealing the antennae must be consistent with the architecture of the building to which they are attached. The architectural features shall not exceed the height restrictions for the Zoning District in which they are located, except as allowed by this Code. The setback for any architectural features concealing an antenna from any residentially zoned property must be at least one (1) foot for every foot in height of the architectural features (dwellings located on the same parcel as the antenna are excluded).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (4) An antenna classified as a collocation located on an existing freestanding facility not owned by the City shall meet the following minimum criteria:
 - a. The antenna does not increase the height of the freestanding facility to which it is to be attached, except as allowed in Section 34-730(b), as measured to the highest point of any part of the freestanding facility or any existing antenna attached to the freestanding facility;
 - b. The applicant shall include proof of consent of the owner of the freestanding facility for inclusion of the antenna on the freestanding facility.
 - c. The ground space area, if any, previously approved for equipment enclosures and ancillary facilities is not increased; and
 - d. The antenna and its ancillary facilities meet all requirements as established in Section 34-730(b).
- (5) An antenna classified as a collocation located on an existing building shall meet the following minimum criteria:
 - a. The height of the antenna does not exceed twenty (20) feet above the highest point of the building;
 - b. The ground space area, otherwise known as the compound, if any, previously approved for equipment enclosures and ancillary facilities is not increased;
 - c. The antenna and its ancillary facilities are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the building for initial antennas;
- (6) If only a portion of an application for a personal wireless service facility classified as a collocation does not meet the requirements of subsections (4) or (5) above, the noncompliant portion of the collocation application shall be reviewed as an initial antenna, under subsection (2) and the compliant remainder of the collocation application shall be reviewed in accordance with subsections (4) or (5), as applicable. A collocation application that complies with subsections (4) or (5), except that it is proposing to increase the equipment ground compound approved in the original site plan for equipment enclosure and ancillary facilities by no more than a cumulative amount of four hundred (400) square feet or fifty (50) percent of the original ground equipment enclosure size, whichever is greater, may continue to be reviewed as a collocation.
- (7) Standards applicable to all antennas.
 - a. All antennas must be at least thirty (30) feet from ground level.
 - b. An antenna and its ancillary facilities must meet all applicable requirements of the Florida Building Code.
 - c. The antenna equipment shelter/cabinet must have a sign in close proximity which is readable from a distance of at least five feet, in accordance with FCC regulations, which

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

notes the owner of the equipment and the name and telephone number of the person to contact to report an emergency or situation when notification is warranted.

d. All additional requirements of state, federal and local law must be adhered to.

- (8) The review and approval of an application for an antenna under this Section is by building permit review, except as an initial installation where existing buildings are proposed to be architecturally modified to conceal an antennae. Existing buildings that are proposed to be architecturally modified to conceal antennae must follow the development plan approval process.

(b) *Freestanding facilities.*

- (1) Freestanding facilities and their ancillary equipment shall be approved by development plan review and building permit granted by the Planning and Development Department only on property owned by the City of Jacksonville Beach or the Duval County School Board, with a contract approved by the respective owner, on City energy substation properties (active or inactive), in City parks and facilities, including the golf course and cemeteries, on public school properties, and in public rights-of-way in commercial or industrial Zoning Districts, provided the following criteria are met:

- a. The freestanding facility shall be designed so as to mimic a structure or natural feature that could reasonably be found and/or blend with the surrounding area, such as a light fixture or tree.
- b. Ancillary equipment must meet the following criteria:
 - 1. Shall be no wider than seven (7) feet;
 - 2. Shall be no longer than thirteen (13) feet;
 - 3. Shall not exceed the height limitations for mechanical equipment as provided by this Zoning Code;
 - 4. May be located within a required side or required rear yard, provided, that it shall be no closer than ten (10) feet to any lot line;
 - 5. Shall be included in lot coverage and non-open space calculations for the site, including the pad;
 - 6. Shall be located on a concrete pad, unless required to be elevated due to FEMA regulations;
 - 7. Shall be screened from view by landscaping, architectural features, or a combination of both, and designed in a manner which minimizes nuisance impacts, such as noise and odor. Screening shall be at least equal to the height of the ancillary equipment on all sides and shall be maintained in good order; and
 - 8. Shall be set back from any existing residential dwelling at least one (1) foot for every foot in height of the facility (dwellings located on the same parcel as the structure are excluded), as measured from the base of the structure containing the antennae to nearest property line of the residential dwelling(s).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- c. The top of any freestanding facility and ancillary equipment shall not exceed fifty (50) feet in height.
 - d. For any freestanding facility that utilizes lighting, the lights must meet all applicable federal, state, and local regulations regarding shielding of lighting to protect sea turtles.
 - e. The freestanding facility, its components, ancillary equipment, and screening must be maintained in good order. Failure to maintain the freestanding facility, its components, ancillary equipment, and screening shall constitute a violation of this chapter.
- (2) The development plan application for a freestanding facility shall include the following information:
- a. The name of the applicant(s) and whether each applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;
 - b. A complete and accurate description of the proposed freestanding facility, including scale elevation drawings of the proposed freestanding facility;
 - c. If applicable, documentation of any contract, license, lease, letter of understanding, agreement in principle, or other type of agreement with a personal wireless service provider for use of the freestanding facility and a summary of the agreement or arrangement;
 - d. The proposed location of the freestanding facility together with both a legal description of the location, and a map in sufficient detail to indicate the location with precision;
 - e. Proof that the property owner, if different from applicant, authorizes the installation of the facilities.
 - f. The zoning/land use designation for the proposed freestanding facility;
 - g. The height of the proposed freestanding facility;
 - h. The projected collapse zone certification that in the event of fall or collapse of the freestanding facility, said freestanding facility would not damage or negatively impact the real or personal property of the surrounding property owners;
 - i. Documentation demonstrating compliance with the provisions of state statute and City Codes;
 - j. A detailed plan for landscaping any ancillary ground equipment, in such a manner that the landscaping will shield the equipment from the view of adjoining parcels and/or public rights-of-way, noting that the landscaping shall be native, xeriscape plants only;
 - k. A detailed preventive maintenance program that meets minimum maintenance program standards for which the applicant is to remain solely responsible. The City will not be responsible for monitoring the maintenance program;
 - l. Certification that the proposed equipment will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. § 77, as amended, and evidence of proper

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;
- m. The estimated timeframe for completion for the location and/or construction or modification of each of the freestanding facilities and any ancillary equipment;
 - n. The identity and location of any landline backhaul network to each freestanding facility location, if applicable;
 - o. Whether the applicant, within a two-mile radius of the proposed location, has ever had any permit (or similar or equivalent authorization) revoked, rescinded, canceled or terminated which authorized the placement, construction, and/or modification of personal wireless service facilities, and, if so, what were the reasons surrounding such revocation;
 - p. The proposed equipment shall not interfere with or obstruct public safety telecommunications facilities in accordance with the applicable rules of the Federal Communications Commission; and
 - q. All applicable provisions of the City Code, the Land Development Code and the Florida Building Code shall be met.
- (3) In evaluating development plan and building permit applications for a freestanding facility, in addition to compliance with Section 34-573, Standards (a) through (i), the Planning and Development Department shall consider and evaluate the above application criteria and the following, with the intent of balancing the reasonable allowance of a freestanding facility to provide personal wireless service in the area with the protection of the aesthetics of the area from adverse visual impacts:
- a. The proposed location of the freestanding facility, including the zoning/land use designation of the site and abutting properties;
 - b. The proposed height of the freestanding facility;
 - c. The number and location of freestanding facilities and structures over forty (40) feet in height already existing within a five hundred-foot radius of the proposed freestanding facility;
 - d. The distance of the proposed freestanding facility to the nearest single-family residence measured from the freestanding facility to the boundary of the nearest single-family residence;
 - e. The proposed aesthetics of the freestanding facility and whether it visually blends in with surrounding buildings, structures and existing vegetation;
 - f. The potential impacts on property values of nearby or surrounding single-family properties.
- (4) Upon granting development plan and building permit approval for the construction of a freestanding facility, the City reserves the right to inspect placement, construction and modification of such freestanding facility and ancillary equipment for the life of the facility.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Any modification, relocation, rebuilding, repairing, in any way without the issuance of all applicable approvals and permits will be deemed a violation of the permit and result in the removal of the freestanding facility and ancillary equipment.

- (5) *Removal of a freestanding facility and ancillary equipment.* The City may require, upon notice with a reasonable opportunity to cure, the immediate removal of a freestanding facility and ancillary equipment if:
- a. It has been abandoned for a period in excess of six (6) months;
 - b. It falls into such a state of disrepair that it becomes an unsafe structure or becomes a public nuisance;
 - c. It is modified, relocated, or rebuilt without the issuance of all applicable approvals and permits.
- (c) *Communications antennae on structures in C-1, CBD and RM-2 Zoning Districts.* Communications antennae and related equipment may be located as accessory structures on principle structures in commercial, limited: C-1, Central business district: CBD, and Residential, multiple-family: RM-2 Zoning Districts including, but not limited to, buildings, water towers, and essential public utility structures, subject to the following conditions:
- (1) No portion of the communications facility, including all antenna and equipment components, may extend more than twenty (20) feet above the structure on which it is located.
 - (2) Facility components shall be located, designed, and screened or otherwise treated to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed communications service and the need to be compatible with neighboring uses and the character of the community.
 - (3) Proof, in writing, must be submitted with building permit application materials that the facility conforms with regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), and that the existing structure is structurally capable to accept the proposed facility.
 - (4) No communications facility shall be designed and or sited such that it poses a potential hazard to humans, on-site improvements, or surrounding properties.

(Ord. No. 2017-8101 , § 2, 1-16-18)

Sec. 34-731. Short-term vacation rentals.

- (a) *Applicability.* This Section shall apply to short-term vacation rentals as defined in Article III.
- (b) *Short-term vacation rental minimum requirements.* Short-term vacation rentals shall be permitted in all Zoning Districts where residential use is a permitted or conditional use provided they are in compliance with this Section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental as defined in Article III without initially and on a continuing basis:
- (1) Obtaining a short-term vacation rental registration certificate from the City of Jacksonville Beach pursuant to this Section;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (2) Obtaining a county business tax receipt from the Consolidated City of Jacksonville Beach pursuant to its ordinances, as may be amended;
 - (3) Obtaining a local business tax receipt from the City of Jacksonville Beach pursuant to Chapter 15 of the Code of Ordinances, as may be amended;
 - (4) Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting sales surtaxes, transient rental taxes, and other taxes as may be required by law;
 - (5) Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 - (6) Maintaining an active account with Duval County Tax Collector for the purpose of collecting and remitting tourist development taxes and other taxes as may be required by law.
 - (7) As demonstrated through an affidavit:
 - a. Maintaining initial and ongoing compliance with short-term vacation rental standards contained herein;
 - b. Maintaining compliance with the Florida Fire Prevention Code, Florida Building Code, and F.S. § 509.215; and
 - c. Maintaining compliance with any local, state, and federal laws, regulations, and standards as may be applicable or amended including Florida Administrative Code Chapters 61C (Division of Hotels and Restaurants) and 69A (Division of State Fire Marshal), as may be amended.
- (c) *Short-term vacation rental standards.* The following standards shall govern the use of any short-term vacation rental as a permitted use:
- (1) *Maximum occupancy.* Maximum occupancy shall be limited to two (2) persons per bedroom plus two (2). Under no condition shall maximum occupancy exceed twelve (12) occupants per short-term vacation rental unit. For the purpose of calculating maximum occupancy, only individuals over the age of twenty-four (24) months shall be included.
 - (2) *Parking standards.* Minimum off-street parking shall be equal to the maximum occupancy as defined in Section 34-731(c)(1) divided by four (4). Where four (4) equates to one (1) parking space per four (4) transient occupants. All fractions shall be rounded to the next higher whole number. At no time shall parking block a sidewalk or designated urban trail. Off-street parking standards shall be as defined in Article VII, Division 1, parking and loading standards of the City of Jacksonville Beach Land Development Code. All short-term vacation rental properties with legal nonconforming parking shall be grandfathered for two (2) parking spaces. Grass parking is only permitted on short-term vacation rental properties with legal nonconforming parking where paved parking is not available. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. A maximum of four (4) cars may be parked at any given short term vacation rental property at one time.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (3) *Solid waste handling and containment.* Short-term vacation rentals shall supply the approved solid waste collection container pursuant to the City's franchise agreement. All customers receiving residential and small commercial solid waste collection service pursuant to the City's solid waste franchise contract shall place garbage, rubbish, or, refuse receptacles and all other items at the curbside, unless the franchisee has agreed to provide a special service collection at another location. Solid waste handling and containment is subject to the requirements and provisions contained in Chapter 27 of the City's Code of Ordinances.
- (4) *Minimum short-term vacation rental lease agreement wording.* The short-term vacation rental lease agreement, where applicable, shall contain the minimum information as provided for in subsection 34-731(h).
- (5) *Minimum short-term vacation rental information required postings.* The short-term vacation rental shall be provided with posted material as required pursuant to subsection 34-731(i).
- (6) *Designation of a short-term vacation rental responsible party.* A responsible party must be designated that is capable of meeting the duties required pursuant to subsection 34-731(g) and shall be required.
- (7) *Advertising.* Any advertising of the short-term vacation rental unit shall conform to information included in the short-term vacation rental registration certificate and property's approval, particularly as it pertains to maximum occupancy. A statement stating that "it is unlawful for a sexual offender or sexual predator to occupy this residence in violation of F.S. § 775.215, Florida Statutes precluding such residency within 1,000 feet of any school, child care facility, park, or playground."
- (8) *Other standards.* Any other standards contained within the City of Jacksonville Beach Code of Ordinances and Chapter 34 - Land Development Code to include, but not limited to, noise limits, setbacks, stormwater, and similar provision shall be applicable.
- (d) *Short-term vacation rental registration certificate.* To verify compliance with these short-term vacation rental standards, any property owner who wishes to use his or her dwelling unit as a short-term vacation rental must first apply for and receive a short-term vacation rental registration certificate from the City of Jacksonville Beach. The following requirements further apply:
 - (1) The short-term vacation rental registration certificate shall be renewed annually for as long as the unit is used as a short-term vacation rental.
 - (2) Short-term vacation rental registration certificates may be issued as a single or collective registration certificate.
 - (3) An annual single or collective short-term vacation rental registration certificate fee shall be paid in an amount as determined by resolution of the City Council of the City of Jacksonville Beach.
 - (4) Short-term vacation rental registration certificate fees shall be implemented to cover the costs of administration of the short-term vacation rental registration certificate, inspection, and enforcement programs.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (5) Failure to comply with any of the requirements of this Section shall be grounds for revocation or suspension of the short-term vacation rental registration certificate in accordance with the requirements contained herein.
- (e) *Application for a short-term vacation rental registration certificate.* Each property owner seeking initial issuance, annual renewal, transfer of ownership, or modification of a short-term vacation rental registration certificate shall submit a City of Jacksonville Beach short-term vacation rental application in a form specified by the City, along with an application fee in an amount as determined by resolution of the City Council of the City of Jacksonville Beach.
- (1) A complete application for initial, transfer of ownership, or modification of a short-term vacation rental registration certificate shall demonstrate compliance with the short-term vacation rental standards above through the following submittals:
- a. A completed application with required documentation and all applicable fees.
 - b. A signed and notarized affidavit from the property owner or property manager confirming compliance with the following:
 1. Verification that the required short-term rental postings shall be provided in all units to rental occupants.
 2. Verification that the short-term vacation rental lease agreement, where applicable, is in compliance with the required lease terms of this ordinance.
 3. Verification that the property has the appropriate amount of on-site vehicular parking in compliance with the code.
 4. Verification that all required local, county and state licenses, certificates and taxes have been obtained and complied with.
- (2) Registration certificate renewals or transfers. A short-term vacation rental registration certificate holder must apply annually for a renewal of the registration certificate by October 1 of each year. If no changes have occurred since the issuance of the most recent short-term vacation rental registration certificate, no additional submittals are required to accompany the renewal or transfer of a short-term vacation rental registration certificate application.
- (3) Modification of short-term vacation rental registration certificate. An application for modification of a short-term vacation rental registration certificate is necessary where any of the following apply:
- a. The gross square footage of the short-term vacation rental unit has increased; or
 - b. The number of bedrooms is proposed to increase; or
 - c. The occupancy is otherwise proposed to increase.
 - d. If an inspection of a modification to a short-term vacation rental registration certificate is required, the modification in usage or occupancy may not occur until after successful inspection; however, pending such successful inspection the current registration certificate shall remain valid.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

(f) *Initial and routine compliance inspections of short-term vacation rentals.*

- (1) An inspection of the short-term vacation rental unit for compliance with this Section is required prior to issuance of an initial short-term vacation rental registration certificate.
 - a. The local fire official or designee shall perform all inspections and be allowed entry as permitted or required under this Section or by Section 10-3.04 and Section 10-3.05, City of Jacksonville Beach Code of Ordinances.
 - b. If violations are found, all violations must be corrected and the short-term vacation rental unit must be reinspected prior to issuance of the initial short-term vacation rental registration certificate.
- (2) Once issued, a short-term vacation rental unit must be properly maintained in accordance with the short-term vacation rental standards as defined in the Section and may be reinspected at the time of transfer of ownership, modification, or upon receipt of complaint related to noncompliance with the Florida Fire Prevention Code, Florida Building Code, and F.S. § 509.215.
 - a. For an inspection, all violations must be corrected and reinspected within thirty (30) calendar days.
 - b. Failure to correct inspection deficiencies in the timeframe provided shall result in the suspension of the short-term vacation rental registration certificate until such time as the violation(s) is/are corrected and reinspected.
- (3) The inspections shall be made by appointment with the short-term vacation rental responsible party.
 - a. If the inspector(s) has made an appointment with the short-term vacation rental responsible party to complete an inspection and the short-term vacation rental responsible party fails to admit the inspector(s) at the scheduled time, the owner shall be charged a "no show" fee in an amount as determined by resolution of the City Council of the City of Jacksonville Beach to cover the inspection expense incurred.
- (4) If the inspector(s) is denied admittance by the short-term vacation rental responsible party or if the short-term vacation rental unit is not passed in at least three (3) attempts to complete an initial or subsequent inspection, the inspector(s) shall provide notice of failure of inspection to the owner address as listed on the most recent short-term vacation rental registration certificate or as listed on the Duval County Property Appraiser database.
 - a. For an initial inspection, the notice of failure of inspection results in the registration certificate not being issued.
 - b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 34-731(f)(2) above and is subject to enforcement as provided herein.

(g) *Short-term vacation rental responsible party.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (1) The purpose of the short-term vacation rental responsible party is to respond to routine inspections, nonroutine complaints, and any other more immediate problems related to the short-term vacation rental of the property.
 - (2) The property owner or licensed agent may serve in this capacity or shall otherwise designate a short-term vacation rental responsible party to act on their behalf.
 - (3) Any person eighteen (18) years of age or older may be designated by the owner or licensed agent provided they can perform the duties listed in subsection 34-731(g)(4) below.
 - (4) The duties of the short-term vacation rental responsible party, whether the property owner or licensed agent, are as follows:
 - a. Be available, within a twenty-five (25) mile radius, at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
 - b. If necessary, be willing and able to come to the short-term vacation rental unit within one (1) hour following notification from an occupant, the owner, or an official of the City of Jacksonville Beach to address issues related to the short-term vacation rental.
 - c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this Section;
 - d. Be able to produce copies of the executed rental or lease agreement for current transient occupants, as needed by local authorities; and
 - e. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this Section.
 - (5) A property owner may change his or her designation of a short-term vacation rental responsible party temporarily or permanently. However, there shall be only one (1) short-term vacation rental responsible party for each short-term vacation rental at any given time. To change the designated short-term vacation rental responsible party, the property owner shall notify the City of Jacksonville Beach in writing on a form provided by the City for that purpose before any change in the designated short-term vacation rental responsible party.
- (h) *Short-term vacation rental lease agreement minimum provisions.* The rental or lease agreement must contain the following minimum information:
- (1) Maximum occupancy of the short-term vacation rental unit as permitted on the short-term vacation rental registration certificate;
 - (2) The total number of vehicles allowed for the short-term vacation rental unit not to exceed the number of off-street parking spaces available as designated on the short-term vacation rental registration certificate; and
 - (3) A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any evacuation order issued by local, state, or federal authorities.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

- (4) An executed copy of each lease agreement shall be maintained by the designated responsible party and made available for review by City fire, police, building or code enforcement officials upon request.
- (5) A statement stating that "it is unlawful for a sexual offender or sexual predator to occupy this residence in violation of F.S. § 775.215, precluding such residency within 1,000 feet of any school, child care facility, park, or playground."
- (i) *Required short-term vacation rental postings:*
 - (1) On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page document the following information:
 - a. The name, address, and phone number of the short-term vacation rental responsible party;
 - b. The maximum occupancy of the unit;
 - c. Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily or in compliance with any and all City regulations;
 - d. The maximum number of vehicles that can be parked at the unit along with the location of the off-street parking spaces;
 - e. The days of solid waste pick-up and recycling;
 - f. Notice of sea turtle nesting season restrictions and sea turtle lighting usage as applicable;
 - g. The emergency numbers for local police and fire; and
 - h. The location of the nearest hospital.
- (j) *Offenses and violations.*
 - (1) Noncompliance with any provision of this Section or its subsections shall constitute a violation of the City of Jacksonville Beach Code of Ordinances.
 - (2) Separate violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 34-731(j)(1).
- (k) *Remedies/enforcement.* Violations of this Section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is vital that a short-term vacation rental responsible party is responsive and responsible in the management of the property for compliance with this Section. Code enforcement activities will be in accordance with F.S. § Chapter 162 and the City of Jacksonville Beach Code of Ordinances.
 - (1) *Warnings.* Warnings shall be issued for first time violations and a reasonable time to correct the violation will be given. Such warnings may include notice to other agencies for follow up by such agencies, such as the department of business and professional regulation, the department of revenue, the Duval County Tax Collector, and the Duval County Property

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 2. SUPPLEMENTAL STANDARDS

Appraiser, as applicable. Noncompliance with a correction compliance period shall result in the issuance of notice of violation.

- (2) *Fines.* Fines per violation shall be as provided in F.S. § 162.09, as may be amended, for per day, repeat, and irreparable or irreversible in nature violations.
- (3) *Enforcement proceedings.* Prosecution of code violations shall utilize Part 1 of F.S. § Chapter 162. The City code enforcement special magistrate shall be authorized to hold hearings, assess fines, and order other relief as provided in City of Jacksonville Beach Code of Ordinances, Chapter 2, Article VI.
- (4) *Additional remedies.* Nothing contained herein shall prevent the City of Jacksonville Beach from seeking all other available remedies which may include, but is not limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(Ord. No. 2019-8118 , § 3, 9-16-19)

Sec. 34-732. Temporary structures and offices.

Temporary structures and offices shall be subject to the following standards, and shall be reviewed and approved by the Building Official:

- (a) *Construction office and storage.* A mobile home, trailer, portable building, or storage structure may be permitted in any Zoning District when used as a temporary office or shelter for materials or tools incidental to construction or development of the premises upon which the temporary office or shelter is located or within a half-mile radius of the site, provided appropriate permits for such construction have been issued and development has been diligently pursued. Such use of a temporary office or shelter shall not be permitted for more than one (1) month after the completion of construction or development. It cannot be used as permanent office space or for residential use.
- (b) *Public use.* Any agency of local, municipal, state or federal government may utilize a mobile home, trailer or portable building for temporary public purposes in any Zoning District, provided such use shall not include a residential use.
- (c) *Sales office.* A mobile home may be used as a sales office on a mobile home sales lot in any Zoning District permitting such use.

(Ord. No. 7500, § 8.2(N), 8-19-91)

Secs. 34-733—34-740. Reserved.

DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

Sec. 34-741. Purpose and intent.

The purpose and intent of this division is to promote the health, safety, welfare and general wellbeing of existing and future residents of Jacksonville Beach through the establishment of minimum standards for the preservation of natural plant communities, the installation of landscaping and the protection of trees on public and private property within the City of Jacksonville Beach. The specific objectives of this division are as follows:

- (a) To promote and improve the aesthetic integration of natural and manmade environments in order to reduce the harmful effects of development and use on vegetation, and thereby improve the quality of life through the abatement of noise, glare, dust and air pollution;
- (b) To promote the conservation of energy through the preservation and planting of trees, thereby reducing heat gain in or on buildings or paved areas by shading and by removal of heat from the air through evapotranspiration; and
- (c) To promote the conservation of limited freshwater resources by encouraging the preservation and planting of natural or uncultivated areas and by increasing permeable areas which contribute to groundwater recharge and stormwater runoff retardation.

(Ord. No. 7500, § 8.3(A), 8-19-91)

Sec. 34-742. Applicability.

This division shall apply to all development within the City of Jacksonville Beach unless specifically exempted by the provisions of this division. The provisions of this division shall also apply to the expansion of any existing development, including all land in government use, when the value of the total expansion is equal to fifty (50) percent of the assessed value of the existing use, according to the Duval County Property Appraiser, or when total square footage of a structure is increased by fifty (50) percent or more.

(Ord. No. 7500, § 8.3(B), 8-19-91)

Sec. 34-743. Exemptions.

The following development shall be exempt from the standards of this division:

- (a) *Vehicular use areas within or on top of a building (i.e. parking garages or within a building).*
Vehicular use areas consisting exclusively of parking areas entirely within or on top of a building shall be exempt from the provisions of this division.
- (b) *Bona fide agricultural production.* Bona fide agricultural production (as defined in Florida State Statutes) activities shall be exempt from the provisions of this division.

(Ord. No. 7500, § 8.3(C), 8-19-91)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

Sec. 34-744. Site clearing and tree protection standards.

- (a) *Site clearing and tree protection requirements.* No person, directly or indirectly, shall engage in site clearing or cut down, remove, damage or destroy, or authorize the removal, damage or destruction of any protected tree as defined in the LDC or shall commit or authorize any act which physically causes the clearing of a site or destruction of any protected tree, such as damage inflicted upon the root system by heavy equipment or by changes to the existing grade, without first having obtained a site clearing and tree removal permit pursuant to Section 34-744(d).
- (b) *Exemptions to site clearing and tree protection standards.* The following protected trees are exempt from the site clearing and tree protection requirements of Section 34-744(a):
 - (1) Any of the following species or sub-species of trees are not protected trees under this division:
 - Pine, except cedar trees.
 - Palm trees, unless planted to meet a requirement of an approved landscape plan.
 - (2) Invasive species may be removed and are exempt from site clearing and tree protection standards.
 - (3) Any tree located in botanical gardens or in state approved or government nurseries and groves which are grown for sale or public purpose.
 - (4) Any tree that poses imminent danger to the public health, welfare, or safety; any tree that is diseased or weakened by age, weather, storm, fire, or act of God; or any tree which is likely to cause injury or damage to persons, buildings, or other improvements. The Planning and Development Department may require a written certification of the need to remove such a tree or trees from a person having the expertise to provide the same prior to authorizing such removal.
- (c) *Temporary suspension of site clearing and tree protection requirements.* During a period of emergency, per State Statutes, such as a hurricane, flood or other natural disaster, the requirements of this division may be temporarily waived by the Planning and Development Department, so that private or public work to restore the City will in no way be hampered.
- (d) *Site clearing and tree removal permits.* Prior to the issuance of any permit for construction, improvement, paving or surfacing under the provisions of the LDC, a site clearing and tree removal permit must be applied for at the Planning and Development Department and approved by the Planning and Development Department pursuant to the procedures and standards of this division.
 - (1) *Application contents.* In addition to the information required for a development plan submitted pursuant to Section 34-586 et seq., of the LDC, the plans submitted with the site clearing and tree removal permit application shall include the following information:
 - a. A survey showing the location and identification by common name and Diameter at Breast Height (DBH) of protected trees to be removed, relocated, or retained, including any trees being preserved for credit under the provisions of Section 34-744(f) and a listing of protected trees by type and size which provides a summary of the removal and

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

replacement proposal. Inclusion of the botanical names of the protected trees on the survey is desirable but is not required.

- b. In preserve areas where groups of trees are to remain and no soil is to be disturbed, the trees may be identified by general species.
 - c. A statement explaining why any protected trees are to be removed or relocated.
 - d. Site clearing and tree removal plans for developments of all types, except construction of a single-family residential dwelling on a lot less than one-half ($\frac{1}{2}$) acre in size. Site clearing and tree removal plans and permit applications for single-family residential construction on lots of less than one-half ($\frac{1}{2}$) acre in size may be prepared by the owner.
- (2) *Inspections.* Compliance with the intent of this division shall be verified by inspections prior to development plan approval, during construction and following installation of landscaping.
- (3) *Standards for issuance of permits.* The issuance of a site clearing and tree removal permit by the Planning and Development Department shall be based on consideration of the following standards.
- a. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services or which pose a safety hazard to buildings.
 - b. The necessity to remove diseased trees or trees weakened by age, weather, storm, fire or acts of God or which are likely to cause injury or damage to people, buildings or other improvements on a lot or parcel of land;
 - c. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees or natural landscape areas which are proposed to be cleared;
 - d. The topography of the site and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water;
 - e. The necessity to remove trees in order to construct proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes;
 - f. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit;
 - g. The species and size of the trees proposed for removal, and whether the tree to be removed is an exceptional specimen tree.
- (e) *Tree removal and trimming on public property.*
- (1) *Permits required.* Any person who intends to remove, prune, or otherwise disturb any protected tree on a public easement or right-of-way shall first obtain a permit from the Public Works Department. All work shall be conducted in strict accordance with the National Arborist Association Pruning Standards for Shade Trees and The American National Standards for Tree Care Operations (ANSI #Z133.1).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

- (f) *Replacement of protected trees.* Protected trees which are identified for removal on a site clearing and tree removal permit application shall be replaced with new planted trees or transplanted trees, all called replacement trees. The following standards shall govern replacement of protected trees.
- (1) *Tree replacement formula.*
- a) For protected trees being removed, the replacement shall be at least equal to one third (1/3) of the total diameter at breast height (DBH) being removed.
- b) All Live Oaks (other oaks may be approved by the Planning and Development Department and Specimen trees shall be replaced with at least one (1) inch in diameter for each one (1) inch of DBH removed.
- (2) *Replacement credit for preserved trees.* Existing protected trees may be used to satisfy the tree replacement requirements of Section 34-744(f) and the landscape requirements of Section 34-745, provided that the protected trees satisfy the following conditions.
- a. An area within the dripline of the tree or trees at least one (1) foot in diameter for each one (1) inch of DBH shall be preserved in a previous state.
- b. All trees shall be protected in accordance with tree and landscape protection standards of Section 34-744(g), and shall be healthy and free of damage and insect infestations potentially lethal to the tree.
- (3) *Replacement tree species and size.* Replacement trees shall meet the tree and landscape material standards of Section 34-745(d). If multi-trunked trees are used as replacement trees, the total caliper of the two (2) largest trunks shall equal the re- placement caliper.
- (4) *Dead, diseased and deteriorated trees.* No replacement will be required for removed protected trees which are determined to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning or other natural acts. Written notification of such determination by a certified Arborist must be provided prior to any action.
- (5) *Tree protection trust fund.* If the Planning and Development Department determines that the site cannot accommodate the total required replacement trees because of insufficient planting area, then the applicant shall provide shade trees based on the current market price and a contribution to the tree protection trust fund to compensate for those replacement trees which cannot be accommodated. Such contributions shall be used to fund public tree planting projects, such as Adopt-A-Tree programs. For every two (2) inches, or fraction thereof, of replacement trees requiring compensation, the contribution shall be the retail price of a two (2) inch caliper oak as determined by the Planning and Development Department, based on a report by a certified Arborist.
- (g) *Protection of trees during construction.* All protected trees, preserved understory vegetation, and trees retained for tree credit pursuant to Section 34-744(f)(2), shall be protected from injury during any land clearing and construction process in the following manner:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

- (1) A temporary barrier shall be constructed to prevent disturbance of the soil a minimum of six (6) feet from the trunk at any point. The barriers shall remain in place throughout construction.
- (2) The developer shall not cause or allow the cleaning of equipment, storage or disposal of materials or waste materials such as paints, solvents, asphalt, concrete, mortar, or any other material that may endanger the health of trees or vegetation within the drip line of protected trees.
- (3) The protected area shall be maintained at its original grade with no trenching or cutting of any roots, and there shall be no storage of fill or compaction of soil. In no event shall motorized vehicles or equipment be allowed to park on or traverse that area within the drip line of protected trees, nor shall any dirt or other materials be stored within the barriers.
- (4) No attachment, wires (other than protective guy wires), signs or permits shall be fastened to a tree.
- (5) The Urban Tree Foundation publishes tree protection best practice guidelines.

(Ord. No. 7500, § 8.3(D), 8-19-91; Ord. No. 2006-7919, § 1, 4-3-06)

Sec. 34-745. Landscape standards.

- (a) *Tree planting and preservation requirements.* The following tree planting and preservation standards shall apply to all development. They may be used to satisfy, in whole or in part, the landscape requirements for off-street parking and vehicular use area landscape buffers (Section 34-745(b)(4)), the landscape requirements for the interior of parking and vehicular use areas (Section 34-745(c)) and any of the other special landscape requirements of this division.

Residential Uses:

- (1) *Residential lot.* One (1) shade tree (minimum of two (2) inches in caliper and ten (10) feet in height) shall be planted or preserved for every three thousand (3,000) square feet of a residential lot or fraction thereof. No more than ten (10) new trees shall be required to be planted on any residential lot that is to be developed for one (1) single-family dwelling, one (1) two-unit townhome residential structure as a result of this provision.
- (2) *Residential Subdivision.* For residential subdivisions (3 or more dwelling units) the following shall apply:
 - a. There shall be a perimeter landscaping hedge surrounding the development. The required hedge shall be at least three (3) gallon container grown or equivalent balled and burlap material of a variety which has a minimum mature height between four (4) to twelve (12) feet. Hedges shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting.
 - b. One (1) shade tree (minimum of two (2) inches in caliper and ten (10) feet in height) shall be planted or preserved for every three thousand (3,000) square feet of a

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

residential lot or fraction thereof. Fifty (50) percent of all trees required to be planted or preserved shall be shade trees.

- (3) *Multi-family Residential Use.* For townhomes (3 or more units) and multi-family uses the following shall apply:
- a. There shall be a perimeter landscaping hedge surrounding the entire development. The required hedge shall contain a minimum mature height between four (4) to twelve (12) feet. Hedges shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting.
 - b. One (1) tree (minimum of two (2) inches in caliper and ten (10) feet in height) shall be planted or preserved for every six thousand (6,000) square feet over the entire parcel. Fifty (50) percent of all trees required to be planted or preserved shall be shade trees.
- (4) *Oceanfront residential.* Oceanfront residential parcels shall comply with the tree planting and preservation requirements of Section 34-745 and Section 34-615(e)(3)c.3., Section 34-616(e)(3)c., and Section 34-617(e)(3)c. Salt tolerant landscaping and trees shall be used (See Table 34-745.1). Fifty (50) percent of all trees required to be planted or preserved shall be shade trees.

Commercial Uses:

- (1) *Nonresidential lot.*
- a. One (1) tree (minimum of two (2) inches in caliper and ten (10) feet in height) shall be planted or preserved for every six thousand (6,000) square feet of a nonresidential lot or fraction thereof. Fifty (50) percent of all trees required to be planted or preserved in nonresidential Zoning Districts shall be shade trees.
 - b. Where a setback is required, those areas shall include a landscaped strip within this required setback area. Within this strip a hedge of at least two (2) feet in height is required upon planting. Hedges shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting. If the parcel is located along the ocean, salt tolerant landscaping and trees shall be used (See Table 34.745.1).

Industrial Uses (I-1):

- (1) One (1) tree (minimum of two (2) inches in caliper and ten (10) feet in height) shall be planted or preserved for every ten thousand (10,000) square feet of an industrial lot or fraction thereof. Fifty (50) percent of all trees required to be planted or preserved in industrial Zoning Districts shall be shade trees.
- (2) Where a setback is required, those areas shall include a landscaped strip within this required setback area. Within this strip a hedge of at least two (2) feet in height is required upon planting. Hedges shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting. If the parcel is located along the ocean, salt tolerant landscaping and trees shall be used (See Table 34-745.1).

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

(b) *Compatibility landscape buffers.*

- (1) *Applicability.* A compatibility landscape buffer shall be required to be installed in the following areas.
 - a. *Protection of single-family uses.* A compatibility landscape buffer shall be installed adjacent to the property line of a multi-family, commercial or industrial site where the property line abuts an RS-1, RS-2 or RS-3 Zoning District or a developed single-family or townhome land use and such Zoning Districts or land uses are not separated by an intervening street or alley.
 - b. *Screening of junkyards and outdoor theaters.* A compatibility landscape buffer shall be installed adjacent to the property line of a junkyard or outdoor theater site where the property line abuts a residential Zoning District or land use and such Zoning Districts or land uses are not separated by an intervening street or alley, and along the street frontage of a junkyard or outdoor theater site.
- (2) *Compatibility buffer standards.* A compatibility landscape buffer shall consist of a landscape buffer strip with a minimum width of ten (10) feet, and a 100% opaque screen with a minimum height of six (6) feet shall be installed within the landscape buffer area to create a visual barrier.
 - a. *Hedges and living barriers.* If a hedge is planted as a screen, plantings shall be 36 inches at the time of planting and no greater than 36 inches on center.
 - b. *Non-living barriers.* If a non-living barrier is used to satisfy the screening requirements of this subsection, a minimum of one (1) shrub shall be installed for every five (5) linear feet of barrier and shall be planted on the residential or street side of the barrier.
- (3) *Landscape buffers for vehicle use areas adjacent to residential uses.* When multi-family or nonresidential off-street parking areas or other vehicular use areas abut single-family residential uses or properties, that portion of such area not entirely screened by an intervening structure shall be separated by a landscaped buffer at least ten (10) feet in width. The landscape buffer shall contain an opaque screen composed of either living plant materials or durable non-living materials, such as fences or walls and trees (see the Section below). Required screens and barriers shall have a minimum height of six (6) feet and shall be located on the parking lot side of the landscape buffer. When located on side yard, such screen shall be reduced to four (4) feet in height within ten (10) feet of its intersection within the street right-of-way line.
 - a. *Visual barriers.* All living plant materials within landscape buffers adjacent to residential uses shall be planted in a manner which will form a visual barrier with a minimum height of at least thirty (30) inches upon planting. Such barriers shall attain the required height of six (6) feet within twenty-four (24) months under normal growing conditions. If a barrier of non-living materials is used in-lieu of a hedge to satisfy the landscape buffer requirements, such barrier shall not exceed four (4) feet in height for the side yard.
 - b. *Trees.* A minimum of one (1) tree shall be planted for every twenty-five (25) linear feet of landscape buffer adjacent to a residential use. Each such tree shall be planted in at

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Grouping of trees in larger, naturally landscaped islands is encouraged.

- (4) *Off-street parking and vehicular use area landscape buffers (not adjacent to residential uses).*
- a. *Landscape buffers adjacent to public rights-of-way.* A landscaped area at least five (5) feet in width shall be located between off-street parking areas and abutting rights-of-way. Wheel stops or curbing shall be used to assure that this five (5) foot strip is not overhung by car bumpers.
 - i. This landscaped area shall include one (1) shade tree for every twenty-five (25) linear feet of frontage (minimum of two (2) inches in caliper and ten (10) feet in height).
 - ii. In addition, a hedge of at least two (2) feet in height upon planting shall be placed along the parking lot side of the landscaped strip. If a barrier of non-living materials is used in-lieu of a hedge to satisfy the landscape buffer requirements of Section 34-745(b)(1), such barrier shall not exceed four (4) feet in height. One (1) shrub for every four (4) linear feet of barrier shall be planted abutting all barriers. Required shrubs may be clustered rather than spaced evenly. Required shrubs shall be planted along the street side of such barrier within the required landscape buffer.
 - iii. The remainder of the required landscape buffer shall be landscaped with grass, ground cover, or other landscape treatment. Turf grasses shall not comprise more than forty (40) percent of the pervious area.
- (c) *Interior landscaping of parking and vehicular use areas.* Off-street parking and vehicular use areas containing more than ten (10) parking spaces or more than two thousand (2,000) square feet of surface area shall provide pervious interior landscape area equal to at least ten (10) percent of the total paved area. For larger areas containing more than thirty (30) parking spaces or more than ten thousand (10,000) square feet of surface area shall provide pervious interior landscape area equal to at least twenty (20) percent of the total paved area.
- (1) *Landscape islands.* Each separate interior landscaped area shall contain a minimum of one hundred (100) square feet of area and shall be at least five (5) feet in width. A minimum of one (1) shade tree shall be planted for every one hundred (100) square feet of interior landscaping. Where shade trees are not attainable (such as coastal areas or near overhead electric lines), two (2) understory or three (3) palms shall replace one (1) shade tree. The remainder of the required landscape area shall be planted with shrubs, ground cover or other approved tree and landscape materials. Fleet parking fields shall be exempt from providing landscape islands.
 - (2) *Curbing and wheel stops.* All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.
 - (3) *Location of landscape areas.* Interior landscape areas shall be located in a manner which will divide or interrupt the broad expanse of paving within parking and vehicular use areas. Landscaped areas shall subdivide parking areas containing a maximum of twenty (20) spaces, provided that no more than ten (10) spaces shall be in an uninterrupted row.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

- (4) *Modification of interior landscape requirements.* In vehicular use areas where the strict application of this subsection would seriously limit the function of said area, the required landscaping may be located near the perimeter of the paved area. Such required interior landscaping which is relocated shall be in addition to the perimeter landscaping requirements.

(d) *Tree and landscape material standards.*

- (1) *Tree and plant quality.* Plant materials used to satisfy the provisions of this division shall conform to or exceed the minimum standards for Florida Number 1, as provided in the most current edition of Grades and Standards for Nursery Plants, Parts I and II, prepared by the State of Florida Department of Agriculture and Consumer Services. Another accepted standard may be used if it equals or exceeds the quality of Florida Number 1.

Trees and plants used in landscape design pursuant to this division shall, to the greatest extent possible, be drought tolerant; appropriate for the ecological setting in which they are to be planted; have non-invasive growth habits; encourage low-maintenance and high-quality landscape design; be commercially available; and be otherwise consistent with the purpose and intent of this division.

- (2) *Tree and plant species list.* A list of suitable tree species is contained in the table below.

Table 34-745.1

Tree	Type	Salt Tolerance	Native
Southern Red Cedar	Shade	High	Yes
Live Oak	Shade	High	Yes
Sand Live Oak	Shade	High	Yes
Southern Magnolia	Shade	High	Yes
Slash Pine	Shade	High	Yes
Longleaf Pine	Shade	High	Yes
Bald Cypress	Shade	Moderate	Yes
Winged Elm	Shade	Moderate	Yes
Loblolly Pine	Shade	Moderate	Yes
Drake Elm	Shade	Moderate	No
Eastern Red Cedar	Non-Shade	High	Yes
Red Bay	Non-Shade	High	Yes
Yaupon Holly	Non-Shade	High	Yes
Southern Wax Myrtle	Non-Shade	High	Yes
Sabal Palm	Non-Shade	High	Yes
American Olive	Non-Shade	Moderate	Yes
Dahoon Holly	Non-Shade	Moderate	Yes
East Palatka Holly	Non-Shade	Moderate	Yes

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

Norfolk Island Pine	Non-Shade	High	No
Silver Buttonwood	Non-Shade	High	No
Southern Yew	Non-Shade	High	No
Hollywood Juniper	Non-Shade	High	No
Japanese Privet	Non-Shade	High	No
Washingtonia Palm	Non-Shade	High	No
Medjool Date Palm	Non-Shade	High	No
Sylvester Palm	Non-Shade	High	No
Bottlebrush	Non-Shade	Moderate	No
Loquat	Non-Shade	Moderate	No
Blue Point Juniper	Non-Shade	Moderate	No
Burford Holly	Non-Shade	Moderate	No
Nellie Stevens Holly	Non-Shade	Moderate	No
Crape Myrtle	Non-Shade	Moderate	No
Canary Island Date Palm	Non-Shade	High	No

- (3) *Tree crown.* Trees used to satisfy the requirements of this division shall be species having an average mature spread of crown of fifteen (15) feet or more. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping trees to create the equivalent of a fifteen-foot crown spread.
- (4) *Tree diameter and height.* All newly planted trees used to satisfy the requirements of this division shall have a minimum two (2) inch DBH and a minimum height of ten (10) feet immediately upon planting.
- (5) *Palm trees.* Each group of three (3) palms shall be considered one (1) tree for the purpose of these regulations. In the case of species of palms which characteristically grow in clumps, each clump shall be considered to be one (1) tree. Palm trees used to satisfy the requirements of this division shall have a minimum height of eight (8) feet from ground level to base of palm fronds.
- (6) *Specimen Palms.* Additional Tree Credit for the use of palm species such as Phoenix Canariensis and Phoenix Dactylifera or other certain ornamental palms may be approved at the discretion of the Planning and Development Director.
- (7) *Shrubs and hedges.* Shrubs required for screening off-street parking areas from adjacent properties shall be no less than three (3) gallon container grown or equivalent balled and burlap material of a variety which has a minimum mature height between four (4) to twelve (12) feet. Hedges, when required, shall be planted and maintained to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after time of planting. All other shrubs and dwarf shrubs used as an accent ground cover may vary in size depending on the type of plant material and the desired effect.

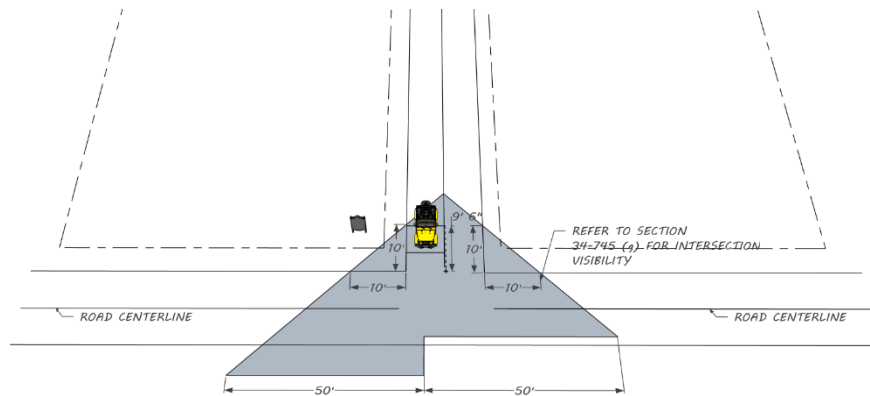
PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

- (8) *Mulch.* Mulch shall be temporarily applied to areas not immediately covered by ground cover. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate, such as preservation areas. Where mulch is intended to be installed permanently, it shall be a minimum three (3) inch depth at installation and shall be renewed and maintained as required.
- (9) *Ground cover.* Ground cover used in lieu of grass shall be planted to present a finished appearance and reasonably complete coverage within three (3) months after planting. Low maintenance ground cover materials are encouraged in lieu of grasses.
- (10) *Grass.* Grass may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. Where seed is sown during its dormant season, a winter grass shall be sown for immediate effect and protection until coverage is achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or disease.
- (11) *Earthwork.* Earth berms shall be of variable height and slope. Swales and ponds shall be permitted for on-site retention of stormwater provided they are approved by the City's Planning and Development Department.
- (e) *Maintenance of landscaped areas.* Maintenance and upkeep of all landscaping and landscaped areas required by this division shall be the responsibility, jointly and severally, of owners, tenants, or agents, if any. Landscaping and landscaped areas shall present a neat, healthy, and orderly appearance and shall be kept free from refuse and debris. Dead or dying plant materials shall be removed and replaced by materials meeting the requirements of the original landscaping plan as approved.
- (f) *Irrigation.* Adequate irrigation of landscaped areas shall be provided for the first full growing season and continue thereafter as necessary to maintain required vegetation in good and healthy condition. Irrigation systems shall conform to following standards.
 - (1) All landscaped areas shall be provided with a readily available water supply with at least one (1) hose bib within seventy-five (75) feet of the plants to be maintained. The use of non-potable water for irrigation purposes shall be encouraged.
 - (2) Irrigation systems shall be continuously maintained in working order and shall be designed so not to overlap water zones or to water impervious areas.
 - (3) No irrigation system shall be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
 - (4) The use of grey or re-used water and irrigation quality effluent shall be encouraged as a means of irrigation as required by the utility department.
 - (5) No irrigation system shall be required for an area set aside for xeriscaping.
- (g) *Landscaping near corners and intersections.* Trees and landscaping shall comply with the corner visibility triangle requirements of Section 34-720 in addition to the following requirements.
 - (1) When a driveway or accessway intersects a public right-of-way, clear unobstructed cross visibility shall be provided within the sight triangle formed by such intersection. The sight

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

triangle shall be measured from the point of intersection, ten (10) feet along the driveway and then ten (10) feet along the right-of-way, with the third side being a line connecting the two (2) points. Cross visibility within the sight triangle shall be unobstructed between the height of two and one-half (2½) feet and eight (8) feet measured from the top of the nearest curb or edge of the road- way, whichever is closer to the visibility triangle. Trees within such areas shall have their limbs and foliage trimmed in a manner that no limb or foliage will extend into the cross-visibility area.

Figure 1: Sight Visibility Triangle



- (2) To ensure proper visibility at the intersection of driveways with public rights-of-way, only properly trimmed trees as previously stated, ground cover type plants or dwarf plants which do not exceed twenty-four (24) inches in height, utility poles, street lights and sign standards or supports shall be allowed within the sight triangle.
- (3) *Landscaping Standards Table.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

Table 34-745.2

USE	Distance	Required Trees	Required Shrubs	Compatibility Buffer Required
Residential Lot*	N/A	1 shade tree for every 3,000 sqft	N/A	N/A
Residential Subdivision (3 or more dwelling units)*	N/A	1 shade tree for every 3,000 sqft	Perimeter landscaping hedge	10ft (see Section 34-745(b)(1)a.)
Multi-Family*	N/A	1 shade tree for every 6,000 sqft	Perimeter landscaping hedge	10ft (see Section 34-745(b)(2))
Commercial (non-residential)*	10 ft	1 shade tree for every 6,000 sqft	Perimeter landscaping hedge	10ft (see Section 34-745(b)(2))
Industrial (I-1)	10ft	1 shade tree for every 10,000 sqft	Perimeter landscaping hedge	10ft (see Section 34-745(b)(2))

The purpose of this table is to provide a quick summary of the required landscaping standards for each use. There are more detailed requirements for each individual use in Section 34-745.

*Oceanfront parcels shall use salt tolerant landscaping and trees as listed in Table 34-745.1

(Ord. No. 7500, § 8.3(E), 8-19-91; Ord. No. 99-7768, § 1, 8-2-99)

Secs. 34-746—34-750. Reserved.

DIVISION 4. SIGN STANDARDS

Sec. 34-751. Purpose, Intent and Scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this division are designed and intended to meet the statutory requirement that this municipality adopts Land Development Regulations that regulate signage, a requirement set forth in F.S. § 163.3202(f). The sign regulations in this division are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs that may impact aesthetics, sense of place, quality of life, and/or safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

This division regulates signs, as defined in this Land Development Code, which are placed on private property or on property owned by public agencies including the City and over which the City has zoning authority. This division is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

To preserve and promote the City as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end.

These sign regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communication in the City;
- (b) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse effect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the Zoning District in which they are located;
- (i) Establish sign size in relationship to the scale of the lot, street frontage, and building on which the sign is to be placed or to which it pertains;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (j) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (k) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (l) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (m) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the City;
- (n) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (o) Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (p) Protect property values by ensuring that sign types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (q) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;
- (r) Enable the fair and consistent enforcement of these sign regulations;
- (s) Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the City's goals of quality development;
- (t) Provide standards regarding the non-communicative aspects of signs, which are consistent with City, county, state and federal law;
- (u) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (v) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs
- (w) Improve the pedestrian scale and experience within the City.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

Sec. 34-752. Definitions.

The definitions in Article III shall apply to this division. Any term or phrase not defined therein shall have its commonly understood meaning.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Cross reference(s)—Definitions—General, § 34-41.

Sec. 34-753. Applicability.

This division does not pertain and is not applicable to:

- (a) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (b) A sign on a car, other than a prohibited vehicle sign or signs.
- (c) A statutory sign.
- (d) A traffic control device sign.
- (e) Any sign not visible from a public street, sidewalk or right-of-way or from a navigable waterway or body of water; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-754. Prohibited signs.

The signs and sign types listed below are prohibited within the City limits and shall not be erected, operated or placed on any property. Any lawfully existing permanent sign structure or sign type that is among the prohibited signs and sign types listed below shall be deemed a nonconforming sign subject to the provisions of Section 34-760, nonconforming signs.

- (a) Abandoned signs; discontinued signs.
- (b) Animated signs.
- (c) Attached signs that are taller than the wall of the building to which the sign is attached.
- (d) Attached signs that exceed two hundred fifty (250) square feet in sign area.
- (e) Billboards; off-site commercial signs.
- (f) Bandit signs; snipe signs.
- (g) Flashing signs.
- (h) Floodlights and beacon lights, except when required by the Federal Aviation Administration.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (i) Freestanding or ground signs, including any ground mounted monument signs, which are higher than sixteen (16) feet.
- (j) Freestanding or ground signs that exceed two hundred (200) square feet in sign area.
- (k) Holographic display signs.
- (l) Moving, twirling, or swinging signs, including multi-prism and tri-vision signs.
- (m) Pavement markings, except for official traffic control markings and building address markings required by law.
- (n) Flutter signs, feather signs, streamers, balloons, wind signs, wind activated banners, cold air inflatables, pennants and other fixed aerial signage used for commercial advertising.
- (o) Permanent pole signs, unless allowed within certain Zoning Districts pursuant to this division.
- (p) Portable signs, except for A-frame and T-frame signs as allowed herein.
- (q) Revolving signs; rotating signs.
- (r) Roof signs.
- (s) Signs within a sight visibility triangle, as described in subsection 34-745(b)(4)a. herein, that obstruct a clear view of pedestrian or vehicular traffic.
- (t) Signs attached to a seawall, dock, buoy, tie pole or pier; other than warning signs and safety signs.
- (u) Signs in, on, or over the public right-of-way; other than fixed projecting signs in the Central Business District (CBD) and the Redevelopment Zoning District (RD), traffic control device signs, bus stop informational signs, warning signs; safety signs, vertical streetlight banners, A-frame signs, T-frame signs, and awning or attached canopy signs over a public right-of-way as allowed in this division.
- (v) Signs in or upon any river, bay, lake, or other body of water within the limits of the City; except government regulatory signs, warning signs, and safety signs.
- (w) Signs located on real property without the permission of the property owner.
- (x) Signs nailed, fastened, affixed to, or painted on any tree or part thereof (living or dead), or other vegetation.
- (y) Signs, other than traffic control device signs, that use the word "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which are a copy or imitation of traffic control device signs and which are adjacent to the right-of-way of any road, street, or highway.
- (z) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, signal, or wildlife.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (aa) Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
- (bb) Signs that emit sound, vapor, smoke, odor, or gaseous matter.
- (cc) Signs that obstruct, conceal, hide or otherwise obscure from view any traffic control device sign or official traffic signal.
- (dd) Wall wrap signs.
- (ee) Vehicle sign or signs with a total sign area in excess of twenty (20) square feet on any vehicle, and
 - (1) The vehicle is not "regularly used in the conduct of the business," and
 - (2) The vehicle is visible from a street right-of-way within fifty (50) feet of the vehicle, and
 - (3) The vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within fifty (50) feet of any street right-of-way, and
 - (4) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, and
 - (5) This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business; and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-755. General provisions for signs.

The following general sign provisions shall apply to this division and to all lawful conforming and nonconforming signs, unless otherwise indicated.

- (a) *Measurement of sign size (sign area).* The area of a sign is measured or calculated as follows:
 - (1) *Background panel signs.* Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.
 - (2) *Background surface signs.* The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (3) *Illuminated background signs.* The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.
 - (4) *Double-faced signs.* If a sign has two display faces, and the interior angle between the two faces is thirty (30) degrees or less, then the sign area is one sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign has two display faces, and the interior angle between the two faces is greater than thirty (30) degrees, then the sign area is the sum of the areas of the two faces.
 - (5) *Multi-faced signs.* If a sign has three or more faces, then the sign area is equal to fifty (50) percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (1) or (2) of this Section, as applicable.
 - (6) *Sculptural and nonplanar signs.* The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.
- (b) *Measurement of sign height.*
- (1) The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign.
 - (2) For the purposes of this Section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected, or (c) the grade of the land at the principal entrance to the lot on which the sign is located.
- (c) *Sign illumination for temporary signs and permanent signs.*
- (1) Sign illumination is prohibited for temporary signs.
 - (2) Permanent sign on a parcel in residential use. A permanent sign located on a parcel in residential use in any zone may not be separately or specially illuminated, unless otherwise specified in this division.
 - (3) Permanent sign on a parcel in nonresidential use. A permanent sign on a parcel in nonresidential use may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this division. However, a permanent sign may not be illuminated in a manner that leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (8) of this Section.
 - (4) Internal illumination. Outdoor internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

- (5) External indirect illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties.
 - (6) Illumination of signs adjacent to single-family residential uses. No sign located within fifty (50) feet of a property with a single-family use or zoned for a single-family use shall be internally illuminated.
 - (7) Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.
 - (8) Neon.
 - a. *Exposed neon.* Exposed neon tube illumination is not permitted in residential zones, or for residential uses in any zone. It is allowed in all other places, unless otherwise specified.
 - b. *Neon borders.* Neon illumination used as a sign copy projection, border, frame or other embellishment of sign copy shall not be included in the total size or area of the sign, provided the measured area of any such projection or detailed embellishment does not exceed twelve (12) square feet in area, or twenty-five (25) percent of the sign display face area, whichever is greater. If neon embellishments exceed these limits, then the embellishments shall be included and counted as part of the permitted sign area for the use.
- (d) *Viewpoint neutrality.*
- (1) Notwithstanding anything in this division to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
- (e) *Substitution of noncommercial speech for commercial speech.*
- (1) Notwithstanding anything contained in this division to the contrary, any sign erected pursuant to the provisions of this division may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this division.
- (f) *Consent of legal owner of property.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (1) No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- (g) *Signs on public property.*
 - (1) Any sign installed or placed on public property, except in conformance with the requirements of this division, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. The foregoing shall not apply to temporary A-frame signs and T-frame signs as allowed pursuant to the conditions and limitations set forth herein.
- (h) *Signs that obstruct means of egress.*
 - (1) No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- (i) *Signs that interfere with ventilation openings.*
 - (1) No sign shall be erected that interferes with any opening required for ventilation.
- (j) *Signs must maintain clearance from utilities and shall not interfere with surface and underground water or with drainage.*
 - (1) Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.
- (k) *Signs shall not be attached to certain property and shall not impair roof access.*
 - (1) Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.
- (l) *Signs declared a nuisance and repair; signs presenting immediate peril to public health or safety.*
 - (1) The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if in his or her professional judgment and professional opinion the sign presents an immediate peril to the public health or safety.
- (m) *Street address signs.*
 - (1) For each parcel and for each tenant space, one sign for the official street address shall be displayed for public safety and to serve as visible street address for delivery of mail and official governmental notification.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- a. For a single-family residential use, the street address sign shall be a minimum of four (4) inches in height and not exceed two (2) square feet in sign area.
 - b. For a multi-family or non-residential use, the street address sign be a minimum of six (6) inches in height and shall not exceed four (4) square feet in sign area.
 - c. The street address sign in a residential use may be externally illuminated and in a non-residential use may be externally or internally illuminated.
- (n) *Flagpoles and flags; flag brackets, flag stanchions and flags.*
 - (1) Flagpoles and flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. For each parcel and development site that is over one-half (½) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag shall not exceed twenty-four (24) square feet in size.
 - a. Flag brackets, flag stanchions, and flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.
 - b. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.
 - c. Flags on parcels in non-residential use may be externally illuminated.
- (o) *Noncommercial onsite parking space signs.*
 - (1) Parking space signs identifying parking spaces necessary for traffic safety, regulation, control and circulation. A parking space sign shall carry no commercial message and shall not exceed two (2) square feet of sign face per sign. Parking space signs shall be allowed on each parcel having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or an attached parking space sign shall be six (6) feet.
- (p) *Signs at service station islands.*
 - (1) For service stations, one (1) double-sided sign or two (2) single-sided signs are allowed per island. Such signs shall not exceed four (4) square feet per side and shall not be mounted higher than eight (8) feet. Such signs shall not be mounted on any bollard or barrier designed to protect equipment from damage. Such signs may not be illuminated.
 - (2) For service stations, one (1) canopy sign may be installed for each canopy side facing a public street or driveway. A canopy sign shall not exceed ten (10) square feet and shall not be mounted higher than the top of the canopy itself. A canopy sign may be internally illuminated. The square footage of all canopy signs on a canopy shall be counted against the maximum square footage of allowed wall signage for any building wall sign on the same parcel.
- (q) *Monument signs.*
 - (1) *Monument signs for single occupant or tenant buildings.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- a. One (1) monument sign is allowed for each single occupant or tenant building. The maximum size of a monument sign shall be the lesser of: (1) one hundred (100) square feet, or (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented. The maximum height of the monument sign shall be ten (10) feet, and the maximum width of the monument sign shall be twelve (12) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once in a twenty-four (24) hour time period. The monument sign may be illuminated.

- b. *Monument signs for multiple occupant or tenant developments.*

One (1) monument sign is allowed for each multiple occupant or tenant development inclusive of a shopping center. The maximum size of the monument sign shall be the lesser of: (1) two hundred (200) square feet, or (2) one (1) square foot of sign area for each one (1) linear foot of road frontage along the street toward which the monument sign is oriented for the first one hundred (100) feet of frontage plus one-fourth ($\frac{1}{4}$) square foot of sign area for each additional linear foot of the aforesaid road frontage. The maximum height of the monument sign shall be sixteen (16) feet, and the maximum width of the monument sign shall be twelve and one-half ($12\frac{1}{2}$) feet. Up to fifty (50) percent of the sign surface of the monument sign may consist of a changeable copy sign; provided, however, that the sign copy cannot be changed more frequently than once in a twenty-four (24) hour time period. The monument sign may be illuminated.

- c. *Monument signs at entrances to single-family and multi-family developments.*

One (1) monument sign is allowed at each point of ingress or egress from or to a single-family development and from or to a multi-family development. The maximum size of a monument sign shall not exceed twenty-four (24) square feet in size and shall not exceed six (6) feet in height. The twenty-four (24) square feet of sign area may be split equally between two monument signs located on each side of the entry or exit street. The monument sign shall be located on a landscaped island or lawn area protected from vehicular contact, and shall not encroach into any corner sight visibility triangle required pursuant to Section 34-720. The sign may be internally or indirectly illuminated.

- d. *Monument sign for a parcel in educational, religious or public use.*

In addition to any monument sign allowed above, one (1) permanent monument sign may be allowed for a parcel in educational, religious or public use. The sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. The sign may be illuminated. However, this additional monument sign shall not be allowed if there is an additional permanent wall sign on the same parcel.

- (r) *Wall signs.*

- (1) One (1) wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use. The size (area) of the wall sign for an occupant or a tenant shall be the lesser of: (i) two hundred fifty (250) square feet, or

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

alternatively (ii) one (1) square foot per one (1) linear foot of building frontage for a single occupant building or one (1) square foot per one (1) linear foot of building frontage for the occupant or tenant space in a multi-tenant development, each as measured on the street toward which the wall sign is oriented. A wall sign shall not extend higher than the building wall to which it is attached. Up to fifty (50) percent of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2 ½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.

- (2) In addition to any wall sign allowed above, one (1) permanent wall sign may be allowed for a parcel in educational, religious or public use. The wall sign shall not exceed thirty-two (32) square feet in sign area and shall not exceed eight (8) feet in height. The wall sign may be illuminated. However, this additional permanent wall sign shall not be allowed if there is an additional monument sign on the same parcel.

(s) *Wall signs at restaurants.*

- (1) In addition to any other wall sign allowance, a restaurant shall be allowed one (1) wall sign installed within twenty (20) feet of its main entrance. The wall sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The wall sign may be illuminated.

(t) *Drive-through lane signs.*

- (1) For a drive-through establishment, an additional menu sign is allowed for each drive-through lane provided that such sign does not exceed forty (40) square feet in size and does not exceed eight (8) feet in height. The additional menu sign may be internally illuminated and may emit sound only as part of a business transaction. Any sounds emitted must comply with Chapter 18 of the Code of Ordinances of the City of Jacksonville Beach.

(u) *Umbrella signs.*

- (1) For each table in an outside seating area for a licensed business establishment, one (1) umbrella sign per umbrella is allowed. An umbrella sign shall not exceed three (3) square feet in area and shall not exceed eight (8) feet in height. An umbrella having an umbrella sign shall be mounted on or in the table or in an umbrella holder adjacent to the table. A sign permit is not required for an umbrella sign.

(v) *Awning signs.*

- (1) For each awning, one (1) sign is allowed. The awning sign shall not exceed an area greater than twenty (20) percent of the surface area of the awning or canopy. The total square footage of the awning sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. An awning sign may be internally illuminated.

(w) *Canopy signs.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (1) For each canopy, one sign is allowed. Except for the sign area limitation for canopy signs at service station islands, a canopy sign shall not exceed an area greater than twenty (20) percent of the surface area of the canopy. The total square footage of the canopy sign shall count toward the maximum square footage of the wall sign area allowed for a parcel or a tenant. A canopy sign may be internally illuminated.
- (x) *Changeable copy signs.*
 - (1) As part of a permitted monument sign or wall sign, a changeable copy sign, manual or electronic (LED), may be installed. The changeable copy sign shall not exceed fifty (50) percent of allowable area of the monument sign or wall sign. The changeable copy sign shall not exceed ten (10) feet in height when installed as a part of a monument sign for a single occupant or tenant building. The changeable copy sign shall not exceed sixteen (16) feet in height if part of the monument sign is for a multiple occupant or tenant building. A changeable copy sign that is a part of wall sign shall not be installed higher than the wall of the building. The sign copy on a changeable copy sign shall not be changed more than once every thirty (30) seconds. Changeable copy signs may be internally illuminated.
- (y) *Projecting signs.*
 - (1) For buildings in the Central Business District (CBD) or a Redevelopment District (RD), one (1) projecting sign is allowed for each ground floor occupant or tenant space. The projecting sign shall be attached to the building frontage on the street or driveway on which the sign is located. The maximum size of the projecting sign shall be the lesser of (1) sixteen (16) square feet or (2) one (1) square foot per linear foot of occupant or tenant building frontage on the street or private driveway on which it is located; however, the square footage of a projecting sign shall count toward the maximum square footage of wall signage allowed for the building. The maximum thickness of the sign face of a projecting sign shall not exceed twenty-four (24) inches when such sign is of solid construction. A projecting sign shall have a minimum vertical clearance of nine (9) feet, and shall not be mounted higher than the wall of the building. A projecting sign that extends over a sidewalk in the public right-of-way shall be limited to a projection distance not to exceed two-thirds ($\frac{2}{3}$) of the width of the sidewalk. A projecting sign may be illuminated.
- (z) *Window signs.*
 - (1) Window signs are permitted provided that the window sign may not cover more than twenty-five (25) percent of the area of any window. Window signs may be internally illuminated. A sign permit is not required for a window sign.
- (aa) *Door signs.*
 - (1) Door signs are permitted provided that the door sign may not cover more than twenty-five (25) percent of the area of any door. Door signs shall not be illuminated. A sign permit is not required for a door sign.
- (bb) *A-frame signs.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (1) A-frame signs are permitted only in commercial Zoning Districts at properties with a commercial use and shall follow the same criteria as the Commercial Business District (CBD), with the exception that A-frame signs outside the CBD Zoning District may not be placed on a public sidewalk, public property or city right-of-way.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-756. Temporary and permanent signs allowed in Zoning Districts.

The signage rights and responsibilities for temporary signs and permanent signs shall be determined by the provisions of Section 34-755, general provisions for signs, and by the sign provisions for the Zoning Districts as set forth below in Section 34-757.1, temporary signs allowed in Zoning Districts, and Section 34-757.2, permanent signs allowed in Zoning Districts.

However, in connection with residential uses in nonresidential Zoning Districts and nonresidential uses in residential Zoning Districts, the signage rights and responsibilities applicable to any particular use shall be determined as follows:

- (a) In a residential Zoning District where a nonresidential use is allowed, whether as a matter of right or by way of a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use, the nonresidential use shall be treated as if it was located in a Zoning District where the nonresidential use would be allowed, either as a matter of right or subject to a conditional use permit or other process with stated criteria governing the allowance of the nonresidential use; and
- (b) In a nonresidential Zoning District where a residential use is allowed, the residential use shall be treated as if it was located in the residential Zoning District where that type of use would be allowed as a matter of right.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-757.1. Temporary signs allowed in Zoning Districts.

Within its Zoning Districts and subject to any applicable provisions with Section 34-755, general provisions for signs, the City shall allow temporary signs that meet the criteria and limitations set forth in Table 34-757.1a and Table 34-757.1b, shown below.

A government sign shall not require a sign permit and shall be allowed in all Zoning Districts on public property and public rights-of-way unless otherwise provided herein. However, the foregoing shall have no impact on any separate requirements established by state statute for building permits, electrical permits or other statutory permits.

A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25) percent of the window surface, and shall not be illuminated.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

Table 34-757.1a. CBD Zoning District Criteria and Limitations for Temporary A-Frame and T-Frame Signs		
CBD Zoning District	Maximum Number of Signs	1 per business
	Maximum Width	3 feet
	Maximum Height	3½ feet
	Minimum Setback/Distance from Curb	1 foot
	Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than one third of width of public sidewalk
	Maximum Distance of Sign from Main Entrance to Business	5 feet
	Duration Allowed	Only during hours while business is open
	Allowed on Public Property and Right-of-Way	Yes
	Allowed in a sight visibility triangle described in Section 34-720	No
	Illumination Allowed	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

Table 34-757.1b.				
All Zoning Districts Criteria and Limitations for All Other Temporary Signs				
All Other Zoning Districts	Zoning Districts	RS-1, RS-2, RS-3, RM-1, RM-2	CPO, C-1, C-2, CS, I-1	CBD, RD, PUD
	Maximum Number of Temporary Signs Per Parcel ¹	4	4	4
	Maximum Sign Size (Area) for a Temporary Sign ²	4 sf.	16 sf.	16 sf.
	Maximum Sign Height for a Temporary Freestanding Sign ³	6 ft.	6 ft.	6 ft.
	Maximum Sign Height for a Temporary Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
	Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line ⁴	3 ft.	3 ft.	3 ft.
	Minimum Sign Setback required to be maintained by a Temporary Ground Sign from the edge of any paved street or road	3 ft.	3 ft.	3 ft.
	Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign ⁵	15 ft.	15 ft.	15 ft.
	Maximum Aggregate Surface Area Allocated for All Temporary Signs on a Parcel ⁶	64 sf.	128 sf.	128 sf.
	Whether Temporary Sign is Allowed on Public Property or Public Right-of-Way	No	No	No
	Allowed in a sight visibility triangle described in Section 34-720	No	No	No
	Direct Illumination of Surface of Temporary Sign Allowed	No	No	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Duration allowed after event ends	7 calendar days	7 calendar days	7 calendar days
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- ¹ The number of temporary commercial signs per parcel shall be no more than two (2) signs; however, no more than one (1) temporary commercial sign per parcel may be a banner sign and a temporary commercial banner sign is limited to a maximum duration of display of no more than thirty (30) days per calendar year per parcel.
- ² The square footage limitation is per side for a back-to-back sign. For example, a four (4) square foot limitation means that there is a limit of four (4) square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight (8) square feet is allowed if the sign is a back-to-back temporary sign.
- ³ Not applicable to signs displayed on flagpoles.
- ⁴ Minimum sign setbacks do not apply to wall signs. Except as set forth in Table 34-757.1a for A-frame signs and T-frame signs, all temporary signs are prohibited on public property and from public rights-of-way.
- ⁵ Not applicable to signs displayed on flagpoles.
- ⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-757.2. Permanent signs allowed in Zoning Districts.

Within its Zoning Districts and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in the subsections below. Unless otherwise provided herein, a permanent sign shall require a sign permit; however, a government sign on public property or public rights-of-way shall not require a sign permit and shall be allowed in all Zoning Districts on public property or public rights-of-way unless otherwise provided herein. The foregoing shall have no impact on separate requirements established by state statute for building code permits or other code permits.

(a) Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3).

- (1) Within Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3) and subject to the provisions with Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.1 below.

Table 34-757.1 Single-Family Residential Zoning Districts (RS-1, RS-2, RS-3)			
Single-Family	Sign Type	Allowed?	Sign Permit Required?
	Ingress and Egress Signs	Allowed as per Sec. 34-761	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No
	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Not Allowed	-
	Signs at Service Station Islands	Not Allowed	-
	Monument Signs	Allowed as per Sec. 34-755	Yes-
	Wall Signs	Not Allowed	-
	Restaurant Wall Signs	Not Allowed	-
	Drive-Through Lane Signs	Not Allowed	-
	Umbrella Signs	Not Allowed	-
	Awning Signs	Not Allowed	-
	Canopy Signs	Not Allowed	-
	Changeable Copy Signs	Not Allowed	-
	Projecting Signs	Not Allowed	-
	Window Signs	Not Allowed	-
	Door Signs	Not Allowed	-

(2) *Multi-Family Residential Zoning Districts (RM-1, RM-2).*

Within Multi-Family Residential Zoning Districts (RM-1, RM-2) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.2 below.

Table 34-757.2 Multi-Family Residential Zoning Districts (RM-1, RM-2)			
	Sign Type	Allowed?	Sign Permit Required?
Multi-Family Residential	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

Flagpoles	Allowed as per Sec. 34-755	No
Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
Signs at Service Station Islands	Not Allowed	-
Monument Signs	Allowed as per Sec. 34-755	Yes-
Wall Signs	Allowed as per Sec. 34-755	-
Restaurant Wall Signs	Not Allowed	-
Drive-Through Lane Signs	Not Allowed	-
Umbrella Signs	Not Allowed	-
Awning Signs	Not Allowed	-
Canopy Signs	Not Allowed	-
Changeable Copy Signs	Not Allowed	-
Projecting Signs	Not Allowed	-
Window Signs	Not Allowed	-
Door Signs	Not Allowed	-

(3) *Commercial Zoning Districts (CPO, C-1, C-2, CS).*

Within Commercial Zoning Districts (CPO, C-1, C-2, CS) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.3 below.

Table 34-757.3 Commercial Zoning Districts (CPO, C-1, C-2, CS)			
	Sign Type	Allowed?	Sign Permit Required?
Commercial Zoning	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
	Signs at Service Station Islands	Allowed as per Sec. 34-755	Yes
	Monument Signs	Allowed as per Sec. 34-755	Yes
	Wall Signs	Allowed as per Sec. 34-755	Yes
	Restaurant Wall Signs	Allowed as per Sec. 34-755	Yes
	Drive-Through Lane Signs	Allowed as per Sec. 34-755	Yes
	Umbrella Signs	Allowed as per Sec. 34-755	No
	Awning Signs	Allowed as per Sec. 34-755	Yes
	Canopy Signs	Allowed as per Sec. 34-755	Yes
	Changeable Copy Signs	Allowed as per Sec. 34-755	Yes
	Projecting Signs	Not Allowed	-
	Window Signs	Allowed as per Sec. 34-755	No
	Door Signs	Allowed as per Sec. 34-755	No

(4) *Central Business Zoning District (CBD).*

Within the Central Business Zoning District (CBD) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.4 below.

Table 34-757.4 Central Business Zoning District (CBD)			
	Sign Type	Allowed?	Sign Permit Required?
Central Business District (CBD)	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No
	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
	Signs at Service Station Islands	Allowed as per Sec. 34-755	Yes
	Monument Signs	Allowed as per Sec. 34-755	Yes

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Wall Signs	Allowed as per Sec. 34-755	Yes
	Restaurant Wall Signs	Allowed as per Sec. 34-755	Yes
	Drive-Through Lane Signs	Allowed as per Sec. 34-755	Yes
	Umbrella Signs	Allowed as per Sec. 34-755	No
	Awning Signs	Allowed as per Sec. 34-755	Yes
	Canopy Signs	Allowed as per Sec. 34-755	Yes
	Changeable Copy Signs	Allowed as per Sec. 34-755	Yes
	Projecting Signs	Allowed as per Sec. 34-755	Yes
	Window Signs	Allowed as per Sec. 34-755	No
	Door Signs	Allowed as per Sec. 34-755	No

(5) *Industrial Zoning District (I-1).*

Within the Industrial Zoning District (I-1) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.5 below.

Table 34-757.5 Industrial Zoning District (I-1)			
	Sign Type	Allowed?	Sign Permit Required?
Industrial Zoning District (I-1)	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No
	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
	Signs at Service Station Islands	Allowed as per Sec. 34-755	Yes
	Monument Signs	Allowed as per Sec. 34-755	Yes
	Wall Signs	Allowed as per Sec. 34-755	Yes
	Restaurant Wall Signs	Allowed as per Sec. 34-755	Yes
	Drive-Through Lane Signs	Allowed as per Sec. 34-755	Yes
	Umbrella Signs	Allowed as per Sec. 34-755	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Awning Signs	Allowed as per Sec. 34-755	Yes
	Canopy Signs	Allowed as per Sec. 34-755	Yes
	Changeable Copy Signs	Allowed as per Sec. 34-755	Yes
	Projecting Signs	Not Allowed	-
	Window Signs	Allowed as per Sec. 34-755	No
	Door Signs	Allowed as per Sec. 34-755	No

(6) *Redevelopment Zoning District (RD).*

Within the Redevelopment Zoning District (RD) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.6 below.

Table 34-757.6 Redevelopment Zoning District (RD)			
	Sign Type	Allowed?	Sign Permit Required?
Redevelopment Zoning District (RD)	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No
	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
	Signs at Service Station Islands	Allowed as per Sec. 34-755	Yes
	Monument Signs	Allowed as per Sec. 34-755	Yes
	Wall Signs	Allowed as per Sec. 34-755	Yes
	Restaurant Wall Signs	Allowed as per Sec. 34-755	Yes
	Drive-Through Lane Signs	Allowed as per Sec. 34-755	Yes
	Umbrella Signs	Allowed as per Sec. 34-755	No
	Awning Signs	Allowed as per Sec. 34-755	Yes
	Canopy Signs	Allowed as per Sec. 34-755	Yes
	Changeable Copy Signs	Allowed as per Sec. 34-755	Yes
	Projecting Signs	Allowed as per Sec. 34-755	Yes

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

	Window Signs	Allowed as per Sec. 34-755	No
	Door Signs	Allowed as per Sec. 34-755	No

(7) *Planned Unit Development Zoning District (PUD).*

Within its Planned Unit Development Zoning District (PUD) and subject to any applicable provisions within Section 34-755, general provisions for signs, the City shall allow permanent signs that meet the criteria and limitations set forth in Table 34-757.7 below.

Table 34-757.7 Planned Unit Development Zoning District (PUD)			
	Sign Type	Allowed?	Sign Permit Required?
Planned Unit Development Zoning District (PUD)	Ingress and Egress Signs	Allowed as per Sec. 34-761	No
	Street Address Signs	Allowed as per Sec. 34-755	No
	Flagpoles	Allowed as per Sec. 34-755	No
	Flag Brackets and Stanchions	Allowed as per Sec. 34-755	No
	On-Site Parking Space Signs	Allowed as per Sec. 34-755	No
	Signs at Service Station Islands	Allowed as per Sec. 34-755	Yes
	Monument Signs	Allowed as per Sec. 34-755	Yes
	Wall Signs	Allowed as per Sec. 34-755	Yes
	Restaurant Wall Signs	Allowed as per Sec. 34-755	Yes
	Drive-Through Lane Signs	Allowed as per Sec. 34-755	Yes
	Umbrella Signs	Allowed as per Sec. 34-755	No
	Awning Signs	Allowed as per Sec. 34-755	Yes
	Canopy Signs	Allowed as per Sec. 34-755	Yes
	Changeable Copy Signs	Allowed as per Sec. 34-755	Yes
	Projecting Signs	Not Allowed	-
	Window Signs	Allowed as per Sec. 34-755	No
	Door Signs	Allowed as per Sec. 34-755	No

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-758. Building permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain a sign structure, as defined in the Florida Building Code, without first obtaining a building permit from the City in accordance with the provisions of the Florida Building Code and applicable law. Permit fees for a building permit shall be paid in accordance with the applicable City fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-759. Sign permits.

Temporary signs do not require a sign permit.

Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee paid to the City. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.

- (a) No sign permit shall be issued for the erection of a prohibited sign.
- (b) A sign lawfully erected may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.
- (c) Exceptions from permitting. Temporary signs shall not require a sign permit. Unless identified in the tables in Section 34-757.2 as not requiring a sign permit and unless otherwise excepted from requiring a sign permit such as a government sign, all permanent signs shall require a sign permit. However these exemptions in no way waive any requirement set forth in the Florida Building Code; or any limitation or restriction on the number, size, height, setback, placement or duration of such signs under this division, or any limitation or restriction under any other applicable law or regulation.
- (d) Permits not required for change of sign copy. No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign.
- (e) *Sign permit applications.* A sign permit application for a permanent sign as may be required by this division shall be prepared and submitted on forms available by the Planning and Development Department. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (1) Name, address, telephone number, and e-mail address (if available) of the person making application for the permit. If the applicant is anyone other than the property owner, the applicant shall provide written authorization from the property owner permitting the installation of the sign.
 - (2) Name, address, telephone number, and e-mail address (if available) of the property owner. If the owner is an entity other than an individual, list the contact person's name.
 - (3) Name, address, telephone number, and e-mail address (if available) of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name.
 - (4) Name, address, telephone, e-mail address (if available), and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name.
 - (5) Address and legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.
 - (6) Lot frontage on all streets and public rights-of-way.
 - (7) Indicate in feet and inches the location of the sign in relation to property lines, public rights-of-way, easements, overhead utility lines, other utility facilities and equipment, buildings and other signs on the property.
 - (8) Freestanding signs, including monument signs, shall require an accurate boundary survey signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.
 - (9) For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated and their dimensions given.
 - (10) Sign dimensions and elevation, drawn to scale.
 - (11) Maximum and minimum height of the sign measured from finished grade.
 - (12) Dimensions of the supporting members of the sign.
 - (13) Sign illumination, specifying illumination type, placement, and intensity.
 - (14) Two (2) copies of the plans, specifications, calculations and details, signed and sealed as required by the Florida Building Code; and specifications documenting the applicable windload and electrical specifications, if applicable, meeting the minimum requirements of the applicable Electric Code.
 - (15) Number, type, location and surface area of all existing signs on the same property.
 - (16) Landscape plan, as applicable.
 - (17) Notarized signature of applicant. If the value of construction is two thousand five hundred dollars (\$2,500.00) or greater, a certified copy of notice of commencement shall be required prior to permit issuance.
- (f) Sign construction specifications.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (1) *Florida Building Code.* Construction and erection of signs shall be in accordance with the structural requirements set forth in the Florida Building Code.
 - (2) *National Electrical Code.* Signs having electrical connections of any kind shall be wired in accordance with the National Electrical Code.
 - (3) *Inspections.* Any sign having an electrical connection shall be permitted, inspected and approved by the electrical inspector prior to its completion. All sign structures shall be inspected and approved by the building official. The inspection point shall be selected by the building official. All excavations for concrete sign support bases shall be inspected and approved by the building official prior to the pouring of concrete.
 - (4) *Support requirements.* The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as integral or architectural features of the sign.
 - (5) *Materials.* Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event as provided herein. However, paper or cardboard signs may be used for indoor window or election signs, when such are allowed.
 - (6) *Construction standards.* All signs shall be installed and constructed in a professional and workmanlike manner; and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust inhibitive material.
- (g) Design requirements. All signs and sign structures, except temporary signs and except for prohibited signs such as billboards and off-premises signs, shall be subject to the design requirements below.
- (1) *Monument signs.* Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign.
 - (2) *Tenant panels in monument signs.* All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.
 - (3) *Wall signs.* Wall signs shall not be installed to cover windows, doors, or other types of fenestration.
 - (4) *[Sign work.]* Sign work on all permanent signs shall ensure that all the letter strokes are vertically plumb or evenly slanted, and with alignment true and horizontally level.
 - (5) *Manufactured signs.* All manufactured signs requiring a sign permit shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

- (h) Sign permit application review.
- (1) The sign application is not required to describe the content of the sign.
 - (2) For fueling stations, the pricing signage shall follow the Florida State Statutes requirements.
 - (3) An applicant shall submit a sign permit application for a permanent sign to the Planning and Development Department, Building Inspection Division, or such other office as may be designated by the City. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law of the City of Jacksonville Beach as set forth in the City of Jacksonville Beach's Code of Ordinances.
 - (4) An approval, an approval with conditions, or disapproval by the Planning and Development Department shall be deemed the final decision of the City upon the application.
 - (5) In the case of an approval with conditions or a disapproval, including a disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision once, on the grounds that the Planning and Development Department may have overlooked or failed to consider any fact(s) that would support a different decision.
 - a. A written request for reconsideration accompanied by such additional fact(s) that address the deficiencies that the applicant may wish the Planning and Development Department to consider, shall be filed with the Planning and Development Department within fourteen (14) calendar days after the date of the written decision. No fee shall be required for a request for reconsideration.
 - b. Upon the timely filing of a request for reconsideration, the decision of the Planning and Development Department or designee shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within fourteen (14) business days of receipt. Such decision shall be in writing and shall include a statement of the reason(s) for the decision.
 - (6) If an application is deemed incomplete, the applicant may either take steps to submit a complete application or challenge the City's decision by seeking judicial review by the Circuit Court of the Fourth Judicial Circuit in and for Duval County, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.
- (i) Sign permit fees. Before issuance of a permit, the Planning and Development Department shall collect the necessary sign permit fees. The sign permit fees shall be as designated by resolution of the City Council.
- (j) Inspection. The Planning and Development Department may make or require any inspections to ascertain compliance with the provisions of this division and the Land Development Code.
- (k) Revocation of sign permit. If the work under any sign permit is proceeding in violation of this division, the Land Development Code, or the Florida Building Code, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the sign permit was based, the permit holder shall be notified of the violation. If the permit

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

holder fails or refuses to make corrections within ten (10) days, it shall be the duty of the Planning and Development Department to revoke such sign permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the Planning and Development Department. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-760. Nonconforming signs.

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this division are declared nonconforming signs. Nonconforming signs shall be removed within five years of the adoption of this updated Land Development Code. It is the intent of this division to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this division. It is also the intent of this division that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

(a) *Legal nonconforming signs:*

- (1) A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this division that does not conform to the regulations as specified in this division.
- (2) A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this division or any amendment thereof.
- (3) A legal nonconforming sign may not be altered in any manner not in conformance with this division. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.
- (4) Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this division, provided that if the nonconforming sign is a type of sign that is prohibited under Section 34-754, prohibited signs in all Zoning Districts, it shall be removed.
- (5) Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
 - a. Is not increased in area or height to exceed the limits of the Zoning District in which it is located;
 - b. Remains structurally unchanged except for reasonable repairs or alterations;
 - c. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

d. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this Section in its new location.

(b) *Signs rendered nonconforming:*

- (1) Except as provided in this Section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the division that rendered the sign nonconforming. This Section shall not prohibit reasonable repairs and alterations to nonconforming signs unless the sign is brought into compliance.
- (2) A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this division. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.
- (3) Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this division if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign, or if the sign is deemed unsafe by the Building Official.
- (4) Any nonconforming pole sign may be replaced when there is a change of use or tenant.

(c) *Signs for a legal nonconforming use:*

- (1) New or additional signs for a nonconforming use shall not be permitted.
- (2) A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

(d) *Signs discontinued:*

- (1) Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies, for a period of one hundred eighty (180) days, shall be deemed to be discontinued.
- (2) A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.
- (3) After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.
- (4) Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, that are not currently in use,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

(e) *Unsafe signs:*

- (1) If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.
 - a. If the sign that is determined to be unsafe by the Building Official is a nonconforming sign, it shall be removed and not repaired within the timeframe outlined below but may be replaced with a conforming sign with proper application and approval by Planning and Development Department.
- (2) If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-761. Miscellaneous provisions.

- (a) *Maintenance of sign location.* For a sign requiring a sign permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.
- (b) *Ingress and egress signs.* For safety purposes and for traffic circulation purposes, permanent ingress and egress signs to a parcel are permitted provided the same do not exceed four (4) square feet in size and no more than three (3) feet in height. Such signs shall not require a permit.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-762. Penalties.

Penalties for violation of this division shall be as provided in Section 34-1204; however, notwithstanding anything in the LDC or in the Jacksonville Ordinance Code to the contrary, a penalty for a violation of this division shall be limited to civil penalties only and shall not extend to any criminal penalty including but not limited to incarceration.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Sec. 34-763. Severability.

- (a) *Generally.* If any part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 4. SIGN STANDARDS

other part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.

- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this division, the Jacksonville Beach Code of Ordinances, or any adopting ordinance, if any part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this division, the Jacksonville Beach Code of Ordinance, or any adopting ordinance, if any part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 34-754, prohibited signs, of this division. Furthermore, if any part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 34-754 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 34-754 thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.
- (d) *Severability of prohibition on billboards.* If any part, Section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Division or in the Jacksonville Beach Code of Ordinances.

(Ord. No. 2015-8065 , § 2(Exh. A), 12-7-15)

Secs. 34-764—34-770. Reserved.

DIVISION 5. ENVIRONMENTAL STANDARDS

Sec. 34-771. Stormwater management.

- (a) *Purpose and intent.* The purpose of this division is to manage stormwater drainage within of the City of Jacksonville Beach in order to maintain and enhance the public health, safety, and welfare through the control of runoff volume and treatment of stormwater runoff for the protection of surface water and groundwater quality, and the control and prevention of erosion, sedimentation, and flooding by providing standards for the design, construction, operation and maintenance of stormwater management systems in conformance with best overall management practices.

This division is intended to implement the goals, objectives, and policies of the Comprehensive Plan of the City of Jacksonville Beach, and to be consistent with the applicable policies and regulations of regional, state and federal agencies regarding stormwater management. It is also intended to allow landowners reasonable use of their property while promoting the following objectives:

- (1) Protecting the quality and quantity of ground and surface waters.
 - (2) Perpetuating recharge of the groundwater system;
 - (3) Reducing erosion loss of topsoil and subsequent sedimentation of surface water bodies.
 - (4) Preventing loss of life and property damage due to runoff from any foreseeable rainfall event.
- (b) *Applicability.* This division shall apply within the incorporated area of the City of Jacksonville Beach, Florida. A permit will be required for new stormwater discharge facilities or modifications to existing discharge facilities consistent with requirements defined by St. Johns River Water Management District (SJRWMD) as defined herein. This provision shall not affect the City's authority to require corrective action whenever a stormwater management facility causes or contributes to violations of water quality and flood control standards.
- (c) *Procedures.*
- (1) No person may subdivide land, initiate construction activity, make any substantial change in land contour lines, alter drainage or stormwater runoff, or construct a stormwater management system without first satisfying the requirements contained in this division and applicable regional, state and federal regulations, and obtaining approval from the Public Works Department. The following activities may potentially alter or disrupt existing stormwater runoff patterns, and as such, will, unless exempt pursuant to Section 34-771(e), require a permit prior to initiation of any development.
 - a. Clearing and/or draining of land for development purposes;
 - b. Clearing and/or draining of properties;
 - c. Converting undeveloped lands to nonagricultural uses;
 - d. Subdivision of land where road improvements are required;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- e. Alteration of land and/or the construction of a structure and/or a change in the size of one (1) or more structures.
 - f. Any alteration to existing facilities which create an increase in required capacity.
 - g. Depositing any fill onto properties.
- (2) Development plans submitted for approval shall show all areas retained in a pervious condition and their past development treatment. All infrastructure associated with stormwater management facilities shall be shown in sufficient detail to enable a determination to be made of their holding capacity and all pipe runs shall be shown with details concerning material direction slope of (degree of fall) and point of connection to off-site drainage systems. Capacity and/or throughput potential must meet the requirements of Section 34-771(e)(1)a. through d.
- (3) The Planning and Development Department will certify compliance with these provisions upon receipt of approval by the Public Works Department.
- (4) No connection shall be made to off-site drainage systems until approval has been received from the owner of the system (either City, County, or State Government).
- (d) *Exemptions.* The following development shall be exempt from the terms of this division.
- (1) The construction, replacement, alteration, or maintenance of a single-family or two-family residence and accessory structures, where clearing and drainage does not adversely impact adjacent properties by creating additional runoff.
 - (2) The clearing of land which is to be used solely for, recreation, agriculture (only properties protected under the Right to Farm Act), or open space provided no disruption of natural surface waters or impoundment of surface water will result. This exemption will not apply where clearing and drainage may directly or indirectly impact areas defined as conservation/protected areas pursuant to the Comprehensive Plan.
- (e) *Standards for stormwater management systems.*
- (1) *General.*
 - a. A stormwater management system is a network of infrastructure and practices designed to manage and control stormwater runoff. Stormwater systems are typically implemented to minimize flooding, protect water quality, and minimize erosion.
A typical stormwater system consists of various components, which may consist of:
 - 1. Storm drains: These are underground pipes or open channels that collect and convey stormwater from streets, parking lots, and other surfaces to a designated discharge point, such as a ditch, canal, or river.
 - 2. Inlet structures: These are structures located at the surface level that capture stormwater into the collection and conveyance system. Inlet structures typically include catch basins, curb inlets, and grates.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

3. Detention and retention ponds: These are basins designed to temporarily store stormwater runoff. Detention ponds attenuate and slowly release stormwater into the outfall boundaries. Retention ponds attenuate 100% of the captured runoff and release it into the ground via percolation or infiltration over time.
 4. Erosion and sediment control measures: These are techniques and best practices that are implemented during construction of land improvements to prevent/minimize erosion and the transport of sediment into stormwater systems and surface waters. Examples include silt fences, hay bales, sediment basins, and floating turbidity curtains.
 5. Maintenance and management practices: Regular maintenance of stormwater infrastructure is essential to ensure its proper functioning. This may involve cleaning storm drains, removing debris and trash, and inspecting and repairing infrastructure as needed.
- b. The general design and performance requirements of this division shall meet all of the standards of the following documents, unless stricter standards are stated herein. These documents are incorporated herein as part of the LDC by reference:
1. Drainage Manual, Florida Department of Transportation.
 2. Chapter 62-25, Florida Administrative Code, Regulations of Stormwater Discharge.
 3. Chapter 40C, Rules of the St. Johns River Water Management District.
 4. National Pollutant Discharge System rules of the U.S. Environmental Protection Agency.
- c. Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation and flooding shall be mandatory. The Public Works Department reserves authority in approving alternate methods of meeting the objectives of these guidelines and regulations on a demonstration by the applicant that similar results can be achieved by the proposed alternate method.
- d. All stormwater management systems constructed or modified under development orders issued by Jacksonville Beach authorities shall be in accordance with the following:
1. Major outfall facilities (trunk storm sewers, canals, waterways, natural drainage features and culverts of major outfalls) shall be designed and constructed to accommodate a twenty-five-year, twenty-four-hour frequency storm with a minimum time of concentration of zero minutes.
 2. Major components of stormwater management systems in new residential subdivisions shall be designed and constructed to accommodate a twenty-five-year, twenty-four-hour frequency storm.
 3. Stormwater management systems for development other than new residential subdivisions shall be designed and constructed to accommodate a ten-year,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

twenty-four-hour frequency storm, with a minimum time of concentration of 10 minutes.

4. In existing developed areas where stormwater facilities are retrofitted, and in which standard treatment methods are impractical, appropriate Best Management Practices, as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management (DER, 1988), shall be utilized.
 5. Stormwater treatment shall be provided for a volume equivalent to either retention or detention with filtration, of the run-off from the first one (1) inch of rainfall over the area of the entire site pursuant to Chapter 62-25, Florida Administrative Code. No discharge from any stormwater facility shall cause or contribute to a violation of water quality standards as provided in Section 62-302.500 of the Florida Administrative Code.
- (2) *Minimum information required for plan review and permitting.* The application shall be in a form established by the Planning and Development Department and made available to the public. In addition to the information and exhibits to be provided pursuant Section 34-571 of the LDC, the applicant shall provide the City with sufficient information to ensure compliance with this division and the LDC, and shall include the following information:
- a. A map of the development that shows the following information:
 1. Existing topography of the development at one (1) foot contour intervals and existing spot elevations so that the existing drainage patterns can be clearly established. Additional off-site topographical information (such as existing roadway crown and edge of pavement elevation) may be needed to adequately identify drainage patterns. Also identified on this plan shall be the identification of the classification of the receiving basin, name of the water body and/or stream to which the development contributes;
 2. The time of concentration for water to move from the most distant point to the receiving basin;
 3. The drainage boundary of the area of any lands outside the development limits contributing runoff to the development;
 4. Soil types on-site, including soil conservation service hydrologic classification;
 5. Proposed construction phase(s) of the development (if applicable);
 - b. Engineering calculations and methodologies along with a description of the proposed stormwater management plan, including basin locations, conveyance type and functional description (retention, detention, combination, etc.).
 - c. Proposed development drainage boundaries showing direction of flows, areas of each basin, percentage of each of soil classifications with boundaries, and off-site drainage areas that will contribute flow to the site.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- d. Locations of stormwater retention/detention facilities, including size, design capacity, high water elevation, side slopes, depth of pond and retained/detained runoff volumes;
- e. Off-site easements for stormwater management facilities that will be required when either of the following conditions exist:
 - 1. The discharge is into any built facility for which the City of Jacksonville Beach does not have either drainage easement or right-of-way;
 - 2. The discharge is into a natural system such that the rate or character (i.e., sheet flow versus concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated;
- f. Location and size of internal storm drainage facilities;
- g. Detailed grading plan with sufficient spot elevations to determine the direction of flow;
- h. Inlet locations and corresponding contributing watershed boundaries;
- i. Erosion and sedimentation control plan;
- j. Pre-development and post-development runoff characteristics, including runoff curve numbers and/or runoff coefficients;
- k. Soil reports that includes borings, water table encountered and estimation of the seasonal high water table. The soils analysis must be submitted by a qualified geotechnical engineer, professional geologist, or soil scientist. Soil borings must be performed to a depth of at least ten (10) feet below the proposed basin bottom;
- l. Stage-storage discharge relationships of any storage areas, such as, retention or detention facilities used;
- m. Drawdown curve of calculations for retention or detention facilities to substantiate design;
- n. Identify any temporary construction that may affect the on-site and/or offsite stormwater management system prior to completion of the development;
- o. A statement designating the entity that will be responsible for the operation and maintenance of the stormwater management system. A copy of the restrictive covenants for the establishment of a Homeowner's Association or Property Owner's Association must be submitted, if applicable.
- p. A certification signed by the engineer, licensed in the State of Florida, responsible for the design that will read as follows:

"I hereby certify that the design of the Stormwater Management System for the development known as _____ (development name) meets all of the requirements and has been designed substantially in accordance with the City of Jacksonville Beach Stormwater Management Regulations, Section 34-771 of the City of Jacksonville Beach Land Development Code."

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- q. A maintenance plan for the stormwater management system must be submitted with the construction plans and is subject to approval of the Public Works Department. This plan must be incorporated in the restrictive covenants.
- (3) *Alternatives to on-site control.* Improvements to City stormwater management facilities may be provided by an applicant in lieu of on-site storage upon recommendation by the Public Works Department and approval of the City Council, particularly in areas where individual properties cannot meet the established standards on-site because of soil limitations or other constraints that may exist.
- (4) *Erosion and sedimentation control of stormwater management facilities.*
 - a. The banks of all stormwater management facilities which are open and unpaved shall be stabilized with either grass or sod. The following minimum requirements shall be met:
 - 1. The bottom of dry retention and detention basins must be seeded and mulched. The seeding mix must provide both long term vegetation and rapid growth seasonal vegetation. Side slopes of dry basins steeper than 3:1 must have the sod stapled or pinned. Basin side slopes flatter than 3:1 may be seeded and mulched or sodded.
 - 2. Wet detention basins shall provide sodded banks to the proposed normal water surface. Pond banks with slopes steeper than 4:1 shall be stake sodded and shall require fencing consistent with the St. Johns River Water Management District Applicant's Handbook Volume II, Section 2.6.1 FAC.
 - 3. Erosion protection at the outlet of all drainage structures must be provided. For outlet velocities greater than three (3) feet per second an energy dissipation device must be installed; such as riprap, baffles or stilling basins.
 - 4. A strip of sod must be placed around the perimeter of all headwalls, endwalls, and mitered end installations.
 - 5. During construction, provision must be made to minimize disturbance to and compaction of dry retention and detention basin bottoms.
 - b. Special design standards for residential development stormwater management systems: Drainage basins must be located within common areas, or recreation areas and not within platted building lots, and reasonable access to drainage basins must be provided. This access must be identified as common area or easement with a minimum width of ten (10) feet.

(Ord. No. 7500, § 8.5(A), 8-19-91)

Sec. 34-772. Flood hazard area.

- (a) Administration.
 - (1) *General.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- 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;
 - 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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 met.
 - 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 34-772(a)(2)c. of this ordinance.
 - c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Duval County, Florida and Incorporated Areas as amended, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), established by the Federal Emergency Management Agency (FEMA) 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 34-772(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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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, or designee, 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 34-772(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;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 34-772(a)(7) of this ordinance.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- f. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local, state, and federal 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 34-772(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 34-772(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 (such as elevation certificates or as-builts) prepared and certified by a Florida licensed profession surveyor 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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 34-772(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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 34-772(a)(5)b.2 or Section 34-772(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 34-772(a)(5)b.1 of this ordinance.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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:
 - i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - ii. 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 and/or Florida licensed professional surveyor 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 34-772(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 34-772(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 and/or Florida

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

licensed professional surveyor 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 34-772(a)(5)b.3.(ii) 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 34-772(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) *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,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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.

(8) *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.*

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."

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 shall consist of the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model (Sec. 163.3178(2)(h), F.S.) as depicted in the 2050

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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 Florida Building Code.]

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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 11 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:

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.

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.

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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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.

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 value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), 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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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.]

Stormwater management facilities. A network of structures and channels (i.e. storm drains, basins, outfall locations, gutters, pipes, culverts) designed to manage and control the flow of rainwater runoff during storms.

Stormwater management system. A network of infrastructure and practices designed to manage and control stormwater runoff. Stormwater systems are typically implemented to minimize flooding, protect water quality, and minimize erosion.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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 34-772(a)(7) of this ordinance.

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 34-772(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 34-772(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:
 - i. 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- ii. 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.
- b. *Subdivisions.*
 - 1. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - i. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - ii. 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
 - iii. 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:
 - i. 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;
 - ii. 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 34-772(a)(5)b.1 of this ordinance; and
 - iii. 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:
 - i. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - ii. 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
 - iii. 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- iv. 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.
 - v. 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.
 - vi. 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 34-722(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.
 - vii. 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.
 - viii. 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 34-772(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 34-772(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:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- i. 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.
 - ii. 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.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 34-722(a)(10)d.5 or Section 34-722(a)(10)d.6 of this ordinance, as applicable.
5. *General elevation requirement.* Unless subject to the requirements of Section 34-722(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 34-722(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:
 - i. 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
 - ii. 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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.
 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:
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - ii. 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 34-772(a)(10)e.1 of this ordinance for temporary placement shall meet the requirements of section 34-722(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 34-722(a)(10)f.3 of this ordinance shall:
 - i. 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.
 - ii. 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.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

4. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - i. 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
 - ii. 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:
 - i. Be located and constructed to minimize flood damage;
 - ii. Meet the limitations of Section 34-722(a)(10)c.1.(vi) of this ordinance if located in a regulated floodway;
 - iii. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - iv. Be constructed of flood damage-resistant materials; and
 - v. 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 34-722(a)(10)c.1.(vi) 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.(vi) 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 34-722(a)(10)c.1.(vi) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 34-722(a)(5)c.3 of this ordinance.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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:
 - i. Structurally independent of the foundation system of the building or structure;
 - ii. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - iii. Have a maximum slab thickness of not more than four (4) inches.
6. *Decks and patios in Coastal High Hazard Areas.* 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:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.* 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

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

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:

- i. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- ii. 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
- iii. 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*. In coastal high hazard areas:

- i. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- ii. 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.
- iii. 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.

(Ord. No. 2013-8025, § 2, 4-1-13; Ord. No. 2018-8107, § 1, 4-16-18)

Editor's note(s)—Ord. No. 2013-8025, § 2, adopted April 1, 2013, repealed the former § 34-467, and enacted a new § 34-467 as set out herein. The former § 34-467 pertained to similar subject matter and derived from Ord. No. 2011-8008, § 3, adopted Nov. 7, 2011.

Note(s)—At the direction of the City, in an email dated April 14, 2017, the following cross reference table for the City's flood ordinance (Ordinance No. 2013-8025) has been added:

Sec. 34-773. Wellfield protection.

- (a) *Purpose and intent.* The purpose and intent of this Section is to protect the health and welfare of the residents and visitors of Jacksonville Beach by providing standards for regulating deleterious

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

substances and contaminants, and by regulating the design, location and operation of activities which may impair existing and future public potable water supply wells.

- (b) *Applicability.* This Section shall apply within the incorporated area of the City of Jacksonville Beach. The provisions shall set restrictions, constraints and prohibitions to protect existing and future public potable water supply wells from degradation by contamination from deleterious substances.
- (c) *Regulated area maps.* The official Zoning Map shall illustrate existing and future public potable water supply wells and their zone of protection and shall be reviewed and, if necessary, updated annually to include any amendments, additions, or deletions which are adopted by the City Council. The official Zoning Map will be consistent with the cone of influence designations shown on the existing land use map in the future land use element of the Comprehensive Plan. Any entity that operates a well protected by this Section shall assist the City in preparing the official Zoning Map by delivering to the Planning and Development Department a location sketch for each public potable water supply well.
- (d) *Exemptions.* The following shall be exempt from the requirements of this Section to the extent indicated.
 - (1) *Previous approvals.* Development projects which are exempt from the provisions of the LDC pursuant to Section 34-5. General approval for uses authorized within specific Zoning Districts shall not, however, constitute authorization for specific uses.
 - (2) *Continuous transit.* The transportation of any regulated substance through regulated areas shall be exempt from the provisions of this Section provided that the transporting vehicle is in continuous transit.
 - (3) *Vehicular fuel and lubricant use.* The use of any regulated substance solely as operating fuel in a vehicle or as a lubricant in that vehicle shall be exempt from the provisions of this Section.
 - (4) *Pesticides, herbicides, fungicides and rodenticides.* The application of substances used as pesticides, herbicides, fungicides and rodenticides in recreation, agriculture, pest control and aquatic weed control activities shall be exempt from the provisions of this Section provided that:
 - a. In all regulated areas the application is in strict conformity with the use requirement as set forth in the substances' EPA registries as is indicated on the containers in which the substances are sold; and
 - b. In all regulated areas the application is in strict conformity with the requirements as set forth in F.S. Chs. 482 and 487, and F.A.C. Chs. 5E-2 and 5E-9. This exemption only applies to the application of pesticides, herbicides, fungicides and rodenticides.
 - (5) *Retail sales activities.* Retail sales establishments in regulated areas that store and handle regulated substances for resale in their original unopened containers shall be exempt from the prohibitions as set forth in this Section.
- (e) *Prohibited activities within regulated areas.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- (1) *Regulated substance.* Animal uses that may have a negative impact on the stormwater and groundwater discharge or aquifer recharge shall be prohibited. Nonresidential activities, other than retail sales exempted by Section 34-773(d)(5), which store, handle, produce or use any regulated substance within the zone of protection shall be prohibited.
 - (2) *Septic tanks.* Septic tanks shall not be located within seventy-five feet of a private potable well and two hundred (200) feet of a public potable water supply well. The City shall not issue any new septic tank permits.
 - (3) *Stormwater retention/detention areas.* Stormwater retention/detention areas (wet), as defined by the St. Johns River Water Management District, shall not be located within three hundred (300) feet of a public potable water supply well.
 - (4) *Wastewater effluent discharges.* Wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, or drainfields, shall not be located within five hundred (500) feet of a public potable water supply well.
 - (5) *Nonresidential use of regulated substances.* If a nonresidential building proposes to contain, use, handle or store regulated substances and is located partially within a protection zone, then the entire building shall be governed by the restrictions applicable to that zone or to the more restrictive zone.
 - (6) *Negative water supply impacts.* No development shall be approved that negatively impacts the water resources of adjoining property owners, wetlands or lakes. Impacts shall include potential supply limitations by excessive drawdown, salt-water contamination or other quality problems.
- (f) *Restrictions on issuance of permits and licenses for new activities.*
- (1) Every application for a development permit shall indicate whether or not the property, or any portion thereof, lies within a protection zone.
 - (2) Every application for development permit which involves property located wholly or partially within a protection zone shall be reviewed by the Planning and Development Department. The Planning and Development Department shall then issue a notice as to whether or not the proposed use or activity meets the requirements of this Section.
 - (3) No development order for any activity regulated by this Section shall be issued that is contrary to the restrictions and provisions provided in this Section. A development order issued in violation of this Section shall confer no right or privilege on the grantee and such invalid permit will not vest rights.
- (g) *Protection of future public water supply wells.* The prohibitions and restrictions set forth in this Section and any regulations promulgated pursuant hereto, shall apply to any future public potable water supply well sites adopted by the City Council by resolution.
- (h) *Procedural requirements.* The following shall be submitted by the applicant concurrent with any plans for development located within regulated areas:
- (1) Source of water for irrigation.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

- (2) Existing and proposed wells for potable or irrigational use on all plans submitted for review.
 - (3) A demonstration that potable and/or non-potable wells will not cause saltwater intrusion or adverse impacts to wetlands, lakes or other wellfields by performing a computer model analysis of the groundwater in the surficial aquifer. This shall include a simulation of the drawdown of all the proposed wells pumping during a ninety-day drought period.
 - (4) Nature and extent of proposed water conservation measures.
- (i) *Inspections.*
- (1) City personnel or designated inspectors are hereby authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this Section including nonresidential buildings, structures and land within wellfield protection zones in the City in order to determine if applicable provisions of the City Code relating to wellfield protection are being followed.
 - (2) Any person subject to this Section shall be liable for any damage caused by a regulated substance present on or emanating from the person's property, for all costs of removal or remedial action incurred by the City, and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from the release or threatened release of a regulated substance. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of ground water, monitoring, containment and clean-up or disposal of regulated substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.
 - (3) A notice to cease a land use or activity or an exemption issued under this Section, shall not relieve the owner or operator of the obligation to comply with any other applicable federal, state, regional or local code, regulation, rule, ordinance or requirement. Nor shall said notice or exemption relieve any owner or operator of any liability for violation of such codes, regulations, rules, ordinances or requirements.

(Ord. No. 7500, § 8.5(C), 8-19-91)

Sec. 34-774. Conservation of land.

- (a) *Purpose.* The purpose of this Section is to conserve, manage, and protect natural resources, and maintain and enhance the natural balance of ecological functions in Jacksonville Beach, through the regulation of conservation-protected lands and conservation-restricted lands.
- (b) *Applicability.* This Section shall apply to all development within the City of Jacksonville Beach.
- (c) *Determination of boundaries.*
 - (1) The location of conservation-protected lands and conservation-restricted lands, and policies regarding their future development, are addressed in the future land use, coastal

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

management, and conservation elements of the Comprehensive Plan and incorporated herein by reference.

- (2) Any owner of land within Jacksonville Beach may request a determination of the general boundaries of conservation-protected or conservation-restricted lands on their property by submitting a request for determination of boundaries to the Planning and Development Department. The purpose of this general indication of the presence of conservation-protected or conservation-restricted lands within the boundaries of a particular parcel is advisory in nature and shall not substitute for the specific determination of the boundaries pursuant to Section 34-774(c)(4).
 - (3) The request must, at a minimum, set forth an adequate description of the land, the nature of the ownership or control of the land, and other information needed to make the determination.
 - (4) A determination of the specific boundaries of conservation-protected or conservation-restricted lands on a parcel or tract shall be made by a person qualified to make such a determination under the applicable federal, state or regional agency regulations.
- (d) *Development of conservation-protected lands.*
- (1) *Procedure.* Prior to the approval of the development of any conservation-protected lands, as part of the consideration of a development plan pursuant to Section 34-586 et seq., the following standards shall be met for the proposed development.
 - (2) *Standards for conservation-protected lands.* No development activity shall be undertaken on conservation-protected lands, except as provided herein.
 - a. *Conservation-protected estuarine wetlands.*
 1. No net loss of estuarine wetlands shall be permitted without mitigation, preferably on-site.
 2. All undeveloped areas of natural vegetation within a fifty-foot strip landward of the salt marsh shall be designated conservation-protected lands and shall remain as an undisturbed buffer region providing habitat adjacent to the marsh.
 3. For previously developed parcels, the required 50-foot vegetative buffer, as stated above, shall be established as a native buffer consisting of, but not limited to shrubs, grasses and ground cover. Closer to the shoreline emergent vegetation shall be encouraged.
 4. All new marshfront development located adjacent to the Pablo Creek estuarine system shall utilize natural vegetation within the fifty-foot conservation-protected buffer area to filter runoff, thereby approximating a natural hydrological regime.
 5. Conservation-protected wetlands shall be protected from physical and hydrologic alteration.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

6. No unauthorized fill that may change the hydrology or topography of any Conservation Protected Lands will be permitted without review by the Planning and Development Department.
- b. *Conservation-protected beach and dune systems.*
 1. The integrity of any approved beach renourishment project shall not be compromised by any development activity.
 2. Construction seaward of the coastal construction control line (CCCL) shall be limited to that permitted under state and federal regulations.
 3. Wind erosion of the beach shall be controlled through stabilization of the berm.
 4. Undeveloped lands within the coastal high hazard area, as indicated on the future land use map, shall be regulated as conservation-protected lands and zoned accordingly.
- c. *Permissible activities in conservation-protected areas.* Certain activities are presumed to have an insignificant effect on the function of conservation-protected lands. These activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the conservation-protected lands.
 1. Scenic, historic, wildlife, or scientific preserves.
 2. Minor maintenance or emergency repair to existing structures or improved areas.
 3. Cleared walking trails having no structural components, and clearing of shoreline vegetation waterward of the mean high water mark (MHW) to create walking trails having no structural components and requiring no fill, not to exceed five (5) feet in width. Provision for handicap access exceeding this standard may be made for public uses upon approval by the Planning and Development Department.
 4. Timber boardwalks, docks, and trail bridges that do not exceed five (5) feet in width, provided that no filling, flooding, excavating, dredging, draining, ditching, and tilling is done, except limited filling and excavating necessary for the installation of pilings. Provision for handicap access exceeding this standard may be made for public uses upon approval by the City Council.
 5. Commercial or recreational fishing or hunting.
 6. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
 7. Developing an area that no longer functions as a wetland where it can be demonstrated that the water regime has been permanently altered, either artificially or naturally prior to the adoption of the LDC and not in violation of any rule, regulation, statute, or the LDC, in a manner to preclude the area from maintaining surface water of hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

altered but wetland species remain the dominant vegetation of the area, a determination of the feasibility of restoring the altered hydrology shall be made prior to approval of any alternative development proposal. If the wetland can be restored at a cost that is reasonable in relation to the benefits to be derived from the restored wetland, a condition in the development order shall require restoration of the wetland.

- d. *Designated water dependent activities.* Designated water dependent activities that are otherwise prohibited may be allowed if the applicant demonstrates that the public benefits of the activity substantially outweigh the adverse environmental effects on a conservation-protected wetland area; and no practicable alternative to placement in the conservation-protected lands exists.
1. The following are permissible water dependent activities.
 - i. Developments not exceeding ten thousand (10,000) cubic yards of material placed in or removed from watercourses, water bodies or wetlands.
 - ii. All docks and slips, if they meet the requirements of applicable state and federal regulations.
 - iii. New riprap or similar structures (not including seawalls, bulkheads, or the like) not exceeding fifty (50) feet of shoreline.
 - iv. Installation of buoys, aids to navigation, signs, and fences.
 - v. Performance of maintenance dredging for ten (10) years from the date of the original permit.
 - vi. Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas.
 - vii. Construction of foot bridges and vehicular bridges.
 - viii. Replacement or widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.
 - ix. Construction of artificial reefs.
 2. *Standards for water dependent activities.* Water dependent activities shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected conservation-protected area. The following standards shall apply to special uses allowed in wetland conservation-protected areas.
 - i. The development shall be designed to allow the movement of aquatic life requiring shallow water; maintain existing flood channel capacity; and assure stable shoreline embankments.
 - ii. Development that encroaches on wetland conservation-protected areas shall not be located on unstable shorelines where water depths are inadequate to eliminate or minimize the need for foreshore channel construction dredging,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities; in areas where there is inadequate water mixing and flushing; or in areas which have been identified as hazardous due to high winds or flooding.

- iii. Access roads, parking lots, and similar structures shall be located on upland sites.
- iv. Non-developed portions of wetland conservation-protected areas that are damaged during construction shall be restored or replaced through replanting of vegetation, restocking of fish, shellfish, and wildlife, reestablishment of drainage patterns, and similar activities to return the damaged areas to pre-development conditions. To the maximum extent possible, the restored areas shall match their prior ecological functioning.

(e) *Development of conservation-restricted lands.*

- (1) *Procedure.* Prior to the approval of the development of any conservation-restricted lands, and as part of the consideration of a development plan pursuant to Section 34-586 et seq., the following standards shall be met for the proposed development.
- (2) *Standards for conservation-restricted lands.*
 - a. *Floodplains.* Except as expressly provided in Section 34-772 of the LDC, no development activity shall be undertaken on conservation-restricted floodplains.
 - b. *Palustrine or upland wetlands.* No new development on any land identified as being located in a conservation-restricted palustrine or upland wetland shall be approved unless all applicable requirements of federal, state and regional agencies having jurisdiction over the proposed development have been met.

(f) *Mitigation.*

- (1) Compensatory mitigation by which environmentally sensitive lands are purchased, created, enhanced and/or restored to compensate for the loss of such lands will be required whenever a special use is allowed under Section 34-774(d)(2)c.
- (2) The purchased, created, enhanced, or restored environmentally sensitive land must be of the same type as that destroyed or degraded.
- (3) Compensatory mitigation shall not be the basis for approving a development that could not otherwise be approved.
- (4) A developer of a compensatory mitigation plan shall grant a conservation easement under F.S. § 704.06, on the newly purchased, created, or enhanced or restored environmentally sensitive lands to protect them from future development.
- (5) For wetland conservation-protection areas, the compensatory wetland mitigation shall require that the amount of wetlands purchased, created, enhanced, or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VII. SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS

successfully replaced. The following ratios of replacement to destroyed wetlands shall be presumed to provide reasonable assurances for type-for-type mitigation.

Table 774(f).1

Type of Mitigation	Required Mitigation Ratio		
Swamp Hammock	2.0	to	1.0
Hardwood Swamp	2.0	to	1.0
Bayheads and Bogs	2.0	to	1.0
Riverine Cypress	1.5	to	1.0
Cypress Pond	1.5	to	1.0
Wet Prairie	1.0	to	1.0*
Freshwater Marsh	1.0	to	1.0*
Salt Marsh	1.0	to	1.0*

* If wetland creation proposed depends extensively on natural recolonization, the ratio may be 2.5 to 1.

(Ord. No. 7500, § 8.5(D), 8-19-91)

Secs. 34-775—34-799. Reserved.

ARTICLE VIII. SUBDIVISION STANDARDS

DIVISION 1. IN GENERAL

Sec. 34-800. Purpose and intent.

The purpose of this Article is to establish the minimum standards for the division of land and improvement of that land in the City of Jacksonville Beach in order to protect the public health, safety, and general welfare. Specifically, these minimum subdivision standards are designed to:

- (a) Establish reasonable and equitable procedures and standards for the subdivision of land that fosters community stability, creates and maintains healthful living environments, preserves natural resources and aesthetic qualities, and appropriately safeguards natural resources.
- (b) Require the provision of safe and convenient vehicular and pedestrian traffic circulation.
- (c) Ensure that public facilities are available to serve development.
- (d) Conserve and manage the natural resources of Jacksonville Beach in order to preserve the productivity, equilibrium, and aesthetic qualities of its land and water.
- (e) Prevent and reduce air and water pollution and the degradation of land.
- (f) Provide for open space and recreational land through efficient and appropriate subdivision design.
- (g) Guide the future growth and development of Jacksonville Beach consistent with the Comprehensive Plan and other provisions of the LDC.
- (h) Maintain and improve safety from fire, flood and other potential disasters.
- (i) Provide adequate light, air, and privacy for land uses.
- (j) Ensure that the subdivision of lands is recorded with proper legal descriptions and monuments.

(Ord. No. 7500, § 9.1(A), 8-19-91)

Sec. 34-801. Authority.

The City Council has the authority to subdivide land pursuant to Fla. Const. Art. VIII. Sec. 2, the Jacksonville Beach Charter, F.S. § 166.01 et seq., F.S. § 163.3161(8), and F.S. § 177.011 et seq.

(Ord. No. 7500, § 9.1(B), 8-19-91)

Secs. 34-802—34-810. Reserved.

DIVISION 2. PROCEDURES

Sec. 34-811. General applicability.

Prior to the division of land which would create three (3) or more parcels of land within the City of Jacksonville Beach, it shall receive an approval for a final plat for subdivision pursuant to the procedures and standards of this Article.

(Ord. No. 7500, § 9.2(A), 8-19-91)

Sec. 34-812. General description of subdivision.

All land, unless exempted pursuant to this Article, shall be required to gain approval of a concept plan for plat, development plan for plat, and a final plat pursuant to the procedures and standards of this Article.

(Ord. No. 7500, § 9.2(B), 8-19-91)

Sec. 34-813. Concept plan for plat.

If a proposed development is subject to the terms of this Article and has not received a development order for a preliminary development plan for PUD Zoning District classification or a preliminary plan for RD Zoning District classification, it shall be required to receive approval of a concept plan for plat pursuant to the procedures and standards of this Section.

- (a) *Submission of application.* An application for a concept plan for plat shall be submitted to the Planning and Development Department along with a nonrefundable application fee which is established from time to time by the City Council to defray the actual cost of processing the application.
- (b) *Contents of application.* The application shall be submitted in a form established by the Planning and Development Department and made available to the public that contains the following information:
 - (1) The name, address and telephone number of the owner of record of the land proposed for the concept plan for plat.
 - (2) The name, address, and telephone number of the developer, if different from the owner, and a description of the project. Written authorization from the landowner shall also be submitted if the application is being submitted by a person other than the landowner.
 - (3) The name, address, and telephone number of the agent for the application, if there is an agent.
 - (4) The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

- (5) The street address and legal description of the land proposed to be platted.
- (6) A concept plan of the proposed plat, which includes the lot and block layout, and the proposed traffic circulation system.
- (c) *Determination of sufficiency.* Within ten (10) working days after receipt of the application, the Planning and Development Department shall determine if the application is sufficient.
 - (1) If the Planning and Development Department determines the application is not sufficient, a written notice shall be sent to the applicant specifying the deficiencies. No action shall be taken on the application until the deficiencies are remedied.
 - (2) When the application is determined sufficient, the Planning and Development Department shall notify the applicant of the application's sufficiency and that the application is ready for review pursuant to this division.
- (d) *Review and decision by Planning and Development Department.* Within fifteen (15) working days after the application is determined sufficient, the Planning and Development Department shall review the application and determine based on the standards in Section 34-813(e) whether the plat is compliant. The Planning and Development Department shall inform the applicant of compliance or deficiency.
- (e) *Standards.* A concept plan for plat shall comply with the following standards.
 - (1) *Consistency with Comprehensive Plan.* It shall be consistent with the vision, intent and strategies of the Comprehensive Plan.
 - (2) *Compatible with surrounding land uses.* The concept plan shall be compatible with surrounding land uses.
 - (3) *Design and layout.* It shall be adequately designed so that the general layout of the proposed development will be similar to surrounding land uses and not cause a substantial depreciation in property values.

(Ord. No. 7500, § 9.2(C), 8-19-91; Ord. No. 2020-8133 , § 8, 3-2-20)

Sec. 34-814. Development plan for plat.

Within one (1) year of receipt of a concept plan for plat, an application for development plan for plat shall be submitted pursuant to the procedures and standards of Division 5, or the concept plan for plat shall become null and void.

(Ord. No. 7500, § 9.2(D), 8-19-91; Ord. No. 2020-8133 , § 8, 3-2-20)

Sec. 34-815. Final plat.

- (a) *Submission of application.* Within one (1) year of the approval of a development plan for plat pursuant to the procedures and standards of Division 5, an application for a final plat shall be submitted to the Planning and Development Department, along with a nonrefundable application fee which is established from time to time by the City Council to defray the actual cost of

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

processing the application. If the one (1) year timeframe is exceeded, the applicant shall submit a new Development Plan for Plat to the Planning and Development Department for review.

- (b) *Contents of application.* Four (4) copies of the application shall be submitted in a form established by the Planning and Development Department and made available to the public that contains the following information:
- (1) The name, address and telephone number of the owner of record of the land proposed for the final plat.
 - (2) The name, address, and telephone number of the developer, if different from the owner, and a description of the project. Written authorization from the landowner shall also be submitted if the application is being submitted by a person other than the landowner.
 - (3) The name, address, and telephone number of the agent for the application, if there is an agent.
 - (4) The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.
 - (5) The street address and legal description of the land proposed to be platted.
 - (6) Date, north arrow, scale.
 - (7) The unique subdivision name in bold legible letters under which should appear the City of Jacksonville Beach.
 - (8) Identification of all street names.
 - (9) A legal description of the final plat.
 - (10) The location and names of adjacent subdivisions.
 - (11) The exact dimensions (location and width) of all streets, their bearings, angle of intersection, length of arcs, radii, points of curvature and tangent bearings.
 - (12) The exact location and width of all easements, whether public or private, and a statement of easement rights.
 - (13) The exact length and bearings of the exterior boundaries of the land being subdivided.
 - (14) The exact dimensions of all lots.
 - (15) The exact radii of all curves and lengths of all tangents.
 - (16) The exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public."
 - (17) The deed restrictions, if any, including the boundaries of each type of restrictions.
 - (18) The accurate location and material of all permanent reference monuments and bench marks.
 - (19) The certificate of the registered land surveyor preparing the plat that the plat, as presented, fully complies with the requirements of this Article and the platting laws of the State of Florida, and that the plat is a correct representation of all exterior boundaries of the land

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

surveyed, that the plat represents a survey made by him and that all monuments indicated thereon exist and their location, size and material are correctly shown, and that permanent control points will be placed accordingly.

- (20) As built drawings of all improvements that are to be dedicated to the City of Jacksonville Beach.
 - (21) A certificate by the owner dedicating to the public and the City of Jacksonville Beach and its successors, full use of all streets and easements for drainage, utilities, and sewers.
 - (22) Certification of acceptance by the City of Jacksonville Beach accompanied by the notarized signature of the mayor prior to filing with the Clerk of the Circuit Court for Duval County.
- (c) *Determination of sufficiency.* Within ten (10) working days after receipt of the application, the Planning and Development Department shall determine if the application is sufficient.
- (1) If the Planning and Development Department determines the application is not sufficient, a notice shall be sent to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied.
 - (2) When the application is determined sufficient, the Planning and Development Department shall notify the applicant of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this division.
- (d) *Review and report by Planning and Development Department.* Within fifteen (15) working days after the application is determined sufficient, the Planning and Development Department shall review the application. If the Planning and Development Department finds that all the standards of Section 34-815(f). have been met, the final plat shall be submitted to the City Council along with a staff report for approval. If the Planning and Development Department finds that all the standards of Section 34-815(f). have not been met, and after deficiencies have been discussed and reviewed with the applicant, the applicant shall be given a period not to exceed ninety (90) days to take corrective action on the application. If corrective action is not taken, the Planning and Development Department shall recommend disapproval of the final plat and shall set forth its reasons for such disapproval in writing.
- (e) *Decision by City Council.* At the public hearing, the City Council shall review the application and staff report and approve, approve with conditions, or deny the final plat based on the standards in Section 34-815(f) upon approval by the City Council, the seal of the City and the signatures of the mayor and the City Clerk shall be affixed to the original plat. The original plat shall then be returned to the applicant. One (1) copy shall be retained in the files of the Planning and Development Department. The approved final plat shall be recorded by the applicant in the public records of the Duval County, and one (1) copy of the final plat showing the certificate of the clerk of county circuit court shall be returned by the applicant to the Planning and Development Department.
- (f) *Standards.* A final plat shall comply with the following standards.
- (1) *Design standards.*
 - a. *General.* In addition to these regulations, a final plat shall conform to the Comprehensive Plan, the LDC, and any other applicable ordinances and code provisions

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

of the City of Jacksonville Beach to ensure that future development is consistent with the vision, intent, and strategies of the Comprehensive Plan.

- b. *Blocks.* The length, width and shape of blocks shall be determined with regard to:
 - 1. The provisions of adequate building sites suitable to the particular needs of the type of use contemplated.
 - 2. Zoning requirements as to lot size and dimensions.
 - 3. Needs for convenient access, circulation, control and safety of traffic.
 - 4. Limitations and opportunities afforded by topography and other natural features.
- c. *Sidewalks.* Sidewalks shall be installed parallel to all arterial and collector-type streets as enumerated in the current Transportation Element of the Comprehensive Plan for the City of Jacksonville Beach. Sidewalks may be required to be installed on one (1) side of all new subdivision streets which meet the definition of an arterial or collector street. 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 or urban trails shall be submitted with the engineering plans for the proposed subdivision.
- d. *Curves.* Where a deflection angle of more than ten (10) degrees in alignment of a street occurs, a curve of reasonably long radius shall be introduced. On all streets except subdivision streets, the centerline radius of curvature shall not be less than two hundred fifty (250) feet; on subdivision streets, it shall not be less than one hundred (100) feet.
- e. *Dead-end streets.* Streets designed to have one (1) end permanently closed shall be designed as a cul-de-sac, and shall provide at the closed end a turnaround with a right-of-way radius of not less than forty-five (45) feet. A "cul-de-sac" shall not be more than one thousand two hundred (1,200) feet in length. Turnarounds consistent with paving and turning radius requirements described herein shall be provided at all temporary dead ends.
- f. *Easements and dedications.* Easements and/or rights-of-way for public utilities shall be required for poles, wires, conduits, gas and water lines, sewers, and storm drainage facilities. Easements of a greater width may be required along or across lot lines where necessary for adequate drainage. Dedication or reservation of sites or areas for schools, parks and other public areas may be required if necessary to ensure consistency with the Comprehensive Plan.
- g. *Lots.* Lot dimensions and setbacks shall conform to the minimum standards established for the pertinent Zoning District in Article VI, Zoning Districts.
- h. *Intersections.* Streets shall be designed to intersect at right angles. Property lines adjoining street intersections shall be rounded with a radius sufficient to allow sidewalks within the street right-of-way.
- i. *Streets.* Street design standards shall be based upon the intended use as specified by their functional classification as described below:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

	Subdivision Street (feet)	Culs-de-Sac (feet)	Private Street (feet)
Pavement Width:			
Swale section	20	20	20
Curb and gutter	24, with 1.5-foot curb and gutter on each side	24, with 1.5-foot curb and gutter on each side	24, with 1.5-foot curb and gutter on each side
No. of lanes	2	2	2
Dedicated Right- of-Way Width:			
Swale section	60	60	60
Curb and gutter	50	50	50
Minimum Diameter of Turnaround:			
ROW	90	90	90
Pavement	60	60	60
Maximum Length of Cul-de-Sac:	1,200	1,200	1,200
Return Radius:	30	30	30

Street grades shall be determined in relation to drainage requirements. Street grades shall not exceed five (5) percent or be less than three-tenths of one (0.3) percent.

(2) *Required improvements.*

- a. *General.* Required improvements may not be indicated on the final plat; however, conformance with these regulations in advance of any building permits is contingent upon the improvements listed in this division being accomplished by the subdivider and accepted by the City. The subdivider is also required to execute the appropriate agreements that guarantee against faulty workmanship or materials prior to approval of the final plat.
- b. *Monuments.* Permanent reference monuments (PRM's) or irons shall be set before the recording of the final plat and shown on the plat according to F.S. § 177.091(7), Permanent control points (PCP's) shall also be placed on the tract and designated on the plat according to F.S. § 177.091(8), The registered land surveyor for the proposed subdivision shall be responsible for furnishing the City Manager and the Duval County Clerk with the dates PCPs were set in the ground.
- c. *Street names.* Proposed street names shall appear on the final plat. New streets that are extensions of existing streets shall bear the name of the existing street. In no case shall the name given to a new subdivision street duplicate an existing street name. The City reserves the right to approve and/or reject any proposed street name.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

- d. *Streets and stormwater management improvements.* All construction and materials used to install streets and drainage shall conform to the latest edition of "Standard Specifications for Road and Bridge Construction of the Florida Department of Transportation." Streets and drainage improvements shall meet the following minimum specification:
1. *Subgrade.* Subgrade shall be stabilized to this strength in accordance with the specification of the Florida Department of Transportation.
 2. *Pavement base construction.* Base construction shall utilize only Florida limerock or other approved materials.
 3. *Surfacing.* Surfacing for residential streets shall be either asphaltic concrete or concrete installed to acceptable design standards for residential or commercial development.
 4. *Dimensions.* Minimum dimensions shall conform to the following table:

	Collector Streets	Local and Subdivision Streets	Industrial and Commercial Streets
Base thickness	9-inch	5-inch	12-inch
Pavement thickness	1½-inch	1¼-inch	1¼-inch
Pavement width	(See Street Design Standards)		

5. *Street intersections.* Acute angles occurring between streets at their intersection alignments shall be curved so that tangents to the curves shall intersect at right angles. Radii at intersections shall be a minimum of thirty (30) feet for residential streets and forty (40) feet for streets within industrial or commercial subdivisions.
 6. *Stormwater management facilities.* All stormwater management facilities shall be constructed to provide adequate conveyance, detention or retention of stormwater runoff to prevent flooding and to maintain any natural water courses consistent with the standards in Section 34-771.
 7. *Floodproofing.* Where land is subject to periodic flooding, it shall comply with the standards in Section 34-772.
- e. *Water supply and sewage.*
1. The subdivision's sanitary sewer collection and potable water distribution lines shall be connected to the City's system. Sanitary sewer lines excluding service connections shall be eight (8) inches in diameter unless a larger size is stipulated by the City. Service lines shall be six (6) inches in diameter. Lift stations and sewers shall be designed and constructed in accordance with acceptable engineering standards and practices and shall be approved by the Director of the Public Works Department.
 2. The water supply lines in the subdivision shall be designed and constructed in accordance with acceptable engineering standards and practices and shall be approved by the Director of Public Works Department. Lateral water lines to single-

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

family residences shall be one (1) inch in diameter. Lines to commercial and industrial subdivisions shall be designed to the approval of the Director of the Public Works Department.

3. The water distribution system shall be designed to supply the necessary fire flow in quantity and pressure as stipulated by the National Board of Fire Underwriters for classification assigned to the City of Jacksonville Beach. Fire hydrants shall be required for all subdivisions and shall be located at each intersection or no further than five hundred (500) feet apart, whichever provides the closer spacing.
 4. The City shall reimburse the developer for the additional expense of constructing water and sewer improvements having a greater capacity than required by the development alone, when necessary to provide adequate service to areas outside the subdivision.
- f. *Street name and traffic control signs.*
1. All street name and traffic control signs required for the development shall be provided and installed by the City. The cost of manufacturing or purchasing and installing the signs shall be reimbursed to the City by the developer.
 2. The design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation.
 3. At least two (2) street name signs shall be placed at each four-way intersection, and one (1) at each "T" intersection. Signs shall be installed under light standards wherever possible, and be free of obstruction.
- g. *Inspection of improvements.* The City of Jacksonville Beach shall provide for inspection of required improvements during construction and ensure their satisfactory completion. If the required improvements are not found to meet the standards and specifications required herein, the subdivider shall be responsible for completing the improvements satisfactorily.
- h. *Completion of improvements prior to recording of the final plat.* All improvements shall be completed to the specifications set forth herein prior to recording of the final plat. The City is hereby automatically vested with the right to inspect the construction of improvements. In addition to inspection by the City of the improvements, a certification of completion from the project engineer shall be provided to the Planning and Development Department in order to obtain approval to record the final plat.
- i. *Warranty bond.* Accompanying the request for acceptance of subdivision improvements for maintenance, the person, seeking approval shall furnish a good and sufficient bond from a bonding company acceptable to the City in an amount equivalent to the value of the improvements contained within the subdivision. This bond is to be furnished solely as a guarantee against faulty workmanship and materials. Said bond shall be submitted by the subdivider to the City and shall remain in force for a minimum of one (1) year following date of acceptance for maintenance of the subdivision streets, drainage system and appurtenances thereto. One (1) year after the date of acceptance for

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE VIII. SUBDIVISION STANDARDS

maintenance by the City Council of all improvements required, the City shall release the warranty bond or that portion which remains after any faulty workmanship has been corrected.

- j. *Surety bond.* The subdivider shall have the option of furnishing the City with a surety bond payable to the City from a bonding company acceptable to the City and in an amount equivalent to one hundred (100) percent of the sum of engineering and constructing the improvements required under this Article. If at the end of one (1) year from the time of acceptance of the bond by the City, the improvements have not been completed and approved, then the subdivider may request a time extension of no more than one (1) year. The City Council shall determine whether to grant an additional time extension for completion or to revoke construction permits requiring forfeiture of the performance bond. Upon completion of the bonded improvements, the subdivider shall submit a request to the City Council for acceptance of all public improvements and release of the performance bond. The request shall be made to the Planning and Development Department at least ten (10) days preceding the City Council meeting at which action is requested.

(Ord. No. 7500, § 9.2(E), 8-19-91; Ord. No. 2020-8133 , § 8, 3-2-20)

Secs. 34-816—34-899. Reserved.

ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS¹

DIVISION 1. GENERAL

Sec. 34-900. Purpose and intent.

The purpose and intent of this Article is to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, recreation and open space, and school public facilities are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Comprehensive Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities.

(Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-901. Authority.

The City Council has the authority to adopt this Article pursuant to Fl. Const. Art. VIII, Sec. 2, the Jacksonville Beach Charter, F.S. § 166.01 et seq., F.S. § 163.3161, F.S. §§ 163.3177 and 163.3202(2)(g).

(Ord. No. 2010-7993, § 2, 7-19-10)

Sec. 34-902. Exemptions.

The following shall be exempt from the requirements of this Article:

- (a) *Planned Unit Development and Redevelopment District.* A development order for a final development plan for a planned unit development or Redevelopment District approved on or before the effective date of the LDC, unless it:
 - (1) Expressly states otherwise; or
 - (2) Expires according to its terms or any part thereof, including its timetable for development; or
 - (3) Fails to comply with its timetable for development for any phase, in which case the development shall be subject to the terms of this Article as it relates to that portion of the development that fails to comply with the timetable of development; or

¹Editor's note(s)—Ord. No. 2010-7993, § 2, adopted July 19, 2010, repealed the former Art. X, §§ 34-521—34-523, 34-536—34-542, 34-551—34-553, 34-561—34-568, 34-576—34-581, and enacted a new Art. X as set out herein. The former Art. X pertained to similar subject matter and derived from Ord. No. 7500, §§ 10.1—10.5, adopted August 19, 1991. See the Code Comparative Table for complete derivation.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (4) Is amended to increase the intensity or density of development such that there is an additional impact on adopted LOS standards for public facilities; or
- (5) Is invalidated in whole or in part.
- (b) *Plat*. A development order for a final plat for subdivision approved on or before the effective date of the LDC, that is proceeding in good faith by developing the subject final plat for subdivision.
- (c) *Building permit*. A development order for a building permit issued prior to the effective date of the LDC, unless it:
 - (1) Expires according to its terms or any part thereof; or
 - (2) Is invalidated in whole or in part.
- (d) *Development alterations or expansion creating no impact*. Development alterations or expansions that do not create additional impact on public facilities, including but not limited to:
 - (1) Construction of room additions to dwelling units; or
 - (2) Construction of accessory structures to dwelling units, including swimming pools, garages and fences; or
 - (3) Additions to nonresidential uses that do not create additional impact on public facilities; or
 - (4) Residential docking facilities for use by the residents of the property on which the dock facilities will be located; or
 - (5) Replacement of an existing dwelling unit when no additional units are created.
 - (6) A development that consists solely of development activity which has no vehicle trip generation, or no new vehicle trip generation in excess of that associated with existing development, in the case of redevelopment activities.
- (e) *Public facilities*. All public facilities provided by the City of Jacksonville Beach necessary to ensure the protection of the health and safety of the citizens of the City.
- (f) *Temporary sales*. Any permits for outside retail sales of holiday or seasonal items.
- (g) *Public transportation and mobility facilities*. Transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, fixed bus, guide way, and rail stations.
- (h) *Educational services*. Public and private primary and secondary educational schools, including any on-site ancillary facilities.
- (i) *Single- and two-family dwelling units*. Construction of no more than two dwelling units on a lot of record.

(Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Secs. 34-903—34-910. Reserved.

DIVISION 2. MONITORING PROGRAM

Sec. 34-911. General.

In order to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, park and public school facilities are available concurrent with the impacts of development on such public facilities, the City shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision and funding of public facilities so that they are being adequately planned for and funded to maintain the LOS for such public facilities and to evaluate public facility capacity for use in the regulatory program to ensure no development order is issued unless there are adequate public facilities available to serve the development concurrent with the impact of development on the public facilities.

(Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-912. Recommendations on amendments to Capital Improvement Element (CIE) and annual budget.

Based upon analysis of the availability of public facilities, and upon review of the annual update to the DCPS Five Year Capital Facilities Plan, the Planning and Development Department shall propose to the City Council each year, any necessary amendments to the CIE and any proposed amendments to the City's annual budget for public facilities.

(Ord. No. 2010-7993, § 2, 7-19-10)

Secs. 34-913—34-920. Reserved.

DIVISION 3. REVIEW FOR ADEQUATE PUBLIC FACILITIES

Sec. 34-921. Application.

In order to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, recreation and open space, and public school facilities are available concurrent with the impact of development on each public facility, Jacksonville Beach shall establish the following development review procedures to ensure there is no development order issued unless there are adequate public facilities available to serve the proposed development, or that the development order is conditioned on the availability of public facilities to serve the development concurrent with the impact of development on the public facilities.

(Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-922. Procedures to determine public facility adequacy.

- (a) *Preliminary development order.* No application for a development permit for a preliminary development order shall be accepted without receipt of either an exemption pursuant to Section 34-743, an affidavit attesting to subsequent receipt of a certificate of public facilities reservation, or an application requesting a certificate of public facilities reservation. No preliminary development order shall be approved without either receipt of an exemption pursuant to Section 34-743, a signed affidavit attesting to subsequent receipt of a certificate public facilities reservation, or a certificate of public facilities reservation.
- (b) *Final development order.* No application for a development permit for a final development order shall be accepted without an exemption pursuant to Section 34-743, or an application requesting a certificate of public facilities reservation. No final development order shall be approved without either an exemption or a certificate of public facilities reservation.

(Ord. No. 2010-7993, § 2, 7-19-10)

Sec. 34-923. Procedure to obtain certificate of public facilities reservation.

- (a) *Submission of application.* An application for a certificate of public facilities reservation shall be submitted to the Planning and Development Department in a form established by the Planning and Development Director and made available to the public, along with a nonrefundable fee established by the City Council to defray application processing costs.
- (b) *Determination of sufficiency.* The Planning and Development Department shall review the application within fifteen (15) working days after its receipt, determine whether the application is complete and includes data necessary to evaluate the application.
 - (1) If the Planning and Development Department determines the application is not sufficient, a written notice (email is sufficient) shall be provided to the applicant specifying the deficiencies. No further action shall be taken until the deficiencies are remedied.
 - (2) If the application is determined sufficient, the Planning and Development Department 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 Article.
- (c) *Priority for public facility capacity and encumbrance.* Priority for remaining public facility capacity for an application being reviewed for a certificate of public facilities reservation shall be based upon the date the application is determined sufficient pursuant to Section 34-923(b). The application with the earliest sufficiency date shall have priority for remaining public facility capacity. After the City Departments determine there is adequate public facility capacity for a development, that capacity shall be encumbered until final action on the application.
- (d) *Staff evaluation and recommendation.* Within ten (10) working days of the day the Planning and Development Department determines the application is sufficient, it shall be forwarded to the City Departments and evaluated as to whether or not adequate public facilities are available, pursuant to Section 34-924.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (e) *Decision of Planning and Development Department.* Within ten (10) working days of receipt of an evaluation from the City Departments regarding an application for a certificate of public facilities reservation, the Planning and Development Department shall review the evaluations and application, and determine if it complies with all public facility component standards in Section 34-924. If the application complies with all of the public facility component standards in Section 34-924, the Planning and Development Department shall issue a certificate of public facilities reservation. If the Planning and Development Department determines that an application fails to meet any of the public facility component standards, the applicant shall be notified of such deficiency, and may either:
- (1) Remedy the application for a certificate of public facilities reservation within sixty (60) working days, after which the application shall be reconsidered by the Planning and Development Department and approved or denied, consistent with the standards in Section 34-924; or
 - (2) Request a conditional certificate of public facilities reservation, which shall be approved by the Planning and Development Department if it is demonstrated that:
 - a. All existing available public facility capacity up to but not greater than an amount sufficient to serve the proposed development has been reserved;
 - b. There is reasonable likelihood that the balance of the public facility capital improvements identified to provide the remaining capacity necessary to accommodate the proposed development can be provided pursuant to a development agreement;
 - c. The applicant requests consideration and approval of a development agreement concurrent with the application for a development permit for which the conditional certificate of public facilities reservation is requested for the purpose of ensuring the certificate complies with the adequate public facility standards for a certificate of public facilities reservation, and;
 - d. The conditional certificate of public facilities reservation is conditioned on the concurrent approval of a development agreement and a development order for the application for development permit that complies with the adequate public facility standards for a certificate of public facilities reservation.

Prior to the City Council consideration of a development agreement in conjunction with an application for development permit, the Planning and Development Department shall review that component of the development agreement related to the provision of adequate public facilities for the proposed development and determine if the public facility capacity standards in Section 34-924 for a certificate of public facilities reservation are met if the terms of the development agreement are approved. If the Planning and Development Department determines that the standards of Section 34-924 are met if the development agreement is approved, a certificate of public facilities reservation shall be issued, conditioned on the approval of the development agreement with the express terms related to the provision of the public facilities for the proposed development. Upon approval of the development agreement consistent with the terms and conditions which the Planning and Development Department determined would ensure compliance with the requirements of Section 34-924, the certificate of public facilities reservation shall become final. If the development agreement upon which the certificate of

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

public facilities reservation is conditionally issued is denied, then the certificate of public facilities reservation shall automatically and immediately expire.

(Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-924. Standards for review of certificate of public facilities reservation.

The following standards shall be used in the determination of whether to issue or deny a certificate of public facilities reservation for potable water, sanitary sewer, solid waste, stormwater management, and recreation and open space facilities. Before issuance of a certificate of public facilities reservation, the application shall fulfill the standards for each and every public facility component. In addition, for residential development the procedures contained in Section 34-926 shall be followed, as applicable, for a determination of adequate capacity relative to public school facilities.

- (a) *Potable water facilities.* The potable water component shall be approved if any of the following conditions are met:
 - (1) Potable water facilities are in place to provide the proposed development sufficient services based on the LOS for potable water facilities, and a reservation of capacity has been received from the appropriate service provider, demonstrating that capacity will be available prior to issuance of a certificate of occupancy; or
 - (2) Potable water facilities are under construction that will provide the proposed development sufficient services based on the LOS for potable water facilities, and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (3) Potable water facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for potable water facilities, pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (b) *Sanitary sewer facilities.* The sanitary sewer component shall be approved if any of the following conditions are met:
 - (1) Sanitary sewer facilities are in place to provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, and a reservation of capacity has been received from the appropriate service provider, demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (2) Sanitary sewer facilities are under construction that will provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (3) Sanitary sewer facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for sanitary sewer facilities, pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (c) *Solid waste facilities.* The solid waste component shall be approved if any of the following conditions are met:
- (1) Solid waste facilities are in place to provide the proposed development sufficient services based on the LOS for solid waste facilities; or
 - (2) Solid waste facilities are under construction that will provide the proposed development sufficient services based on the LOS for solid waste facilities and assurance has been received demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (d) *Stormwater management facilities.* The stormwater management component shall be approved if any of the following conditions are met:
- (1) Stormwater management facilities are in place to provide the proposed development sufficient services based on the LOS for stormwater management and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (2) Stormwater management facilities are under construction that will provide the proposed development sufficient services based on the LOS for stormwater management and a reservation of capacity has been received from the appropriate service provider demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (3) Stormwater management facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for stormwater management pursuant to a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
- (e) *Recreation and open space facilities.* The recreation and open space component shall be approved if any of the following conditions are met.
- (1) Recreation and open space facilities are in place to provide the proposed development sufficient services based on the LOS for recreation and open space facilities, and a reservation of capacity has been provided for the facilities demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (2) Recreation and open space facilities are under construction that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities and a reservation of capacity has been provided for the facilities demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy; or
 - (3) Recreation and open space facilities are the subject of a binding and executed contract that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities and a reservation of capacity has been provided for the facilities demonstrating that commencement of the construction of the facilities will occur within one (1) year of issuance of the development order and completion of the facilities will occur within two (2) years of permit issuance; or

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (4) Recreation and open space facilities are to be provided by the applicant that will provide the proposed development sufficient services based on the LOS for recreation and open space facilities pursuant to the terms of a development agreement demonstrating that sufficient capacity will be available prior to issuance of a certificate of occupancy.
 - (f) *Expiration of certificate of public facilities reservation.* A certificate of public facilities reservation is valid for two (2) years from the date it is originally approved, except that a certificate of public facilities reservation for a single-family home shall be valid for five (5) years if it is part of a final plat of subdivision approved pursuant to this Article.
 - (g) *Effect of public facilities reservation.* Receipt of a certificate of public facilities reservation shall constitute proof of adequate public facilities to serve the proposed development. A subsequent application for a development permit for development, for which a certificate of public facilities reservation has been approved, shall be determined to have adequate public facilities as long as the certificate of public facilities reservation is valid.
 - (h) *Assignability and transferability.* A certificate of public facilities reservation shall be assignable within the proposed development, subject to the certificate of public facilities reservation, but shall not be assignable or transferable to other development. A certificate of public facilities reservation shall run with the land.
- (Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-925. Mobility fee program.

- (a) *Purpose and intent.* Whereas the City of Jacksonville Beach continues to grow primarily through redevelopment and because it has limited opportunity to widen roadways as a mechanism to increase capacity in a largely built-out environment, in order to adequately and efficiently address the City's mobility needs, the City of Jacksonville Beach has replaced transportation concurrency with the mobility fee program. The intent of the mobility fee program is to replace the transportation concurrency management system with a holistic mobility approach that applies a fee system to new development based upon the link between land use and mobility. Through the mobility fee program and this Section within Article IX, the City is replacing the transportation concurrency management system with a more predictable and balanced system. The purpose of this Section is to establish the process necessary to implement the mobility fee program.
- (b) *Mobility fee requirement, certificate, application process and calculation.*
 - (1) *Mobility fee required.* Unless a fair share assessment payment is made or a development is deemed de minimis, or exempt per Section 34-902, the mobility fee must be paid prior to approval of final construction and/or engineering plans or building permits for single-family residential construction.
 - (2) *Mobility fee calculation application and fee.* An applicant for a mobility fee calculation certificate shall file a completed application with the Planning and Development Department on the form provided by that office. The applicant shall provide all the information requested on the application, to the extent applicable together with an application fee determined by City Council..

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (3) *Sufficiency review.* If the Planning and Development Department determines that the information contained in the application is insufficient to review the application, then the department, within ten (10) days of its receipt of the application, shall notify the applicant of the application's insufficiencies. The applicant shall then have ten (10) days from the date of such notification to remedy the application's insufficiencies. This time period may be extended by the department based upon a showing of good cause. Any notification by department that the application is insufficient automatically tolls the applicable review period. Upon the department's receipt of the necessary information, the review period begins again at the point at which it was tolled.
- (4) *Issuance of mobility fee calculation certificate.* A mobility fee calculation certificate shall be issued by the Planning and Development Department within fourteen (14) days from the date the application is accepted and deemed sufficient by the department.
- (5) *Mobility fee calculation.* For the purpose of calculating a mobility fee, the following formula shall apply:

Mobility Fee = A × B × (C—Trip Reduction Adjustments—Existing Use Trips)

Where:

A = Cost per Vehicle Mile Traveled (VMT);

B = Average VMT within the City of Jacksonville Beach; and

C = Project Daily Vehicle Trips.

- a. *Cost per VMT.* The cost per VMT is determined dividing the cost of the prioritized transportation improvement projects identified in the Capital Improvement Element of the Comprehensive Plan by the projected change in VMT as set forth in the Mobility Plan.
- b. *Average VMT within the City of Jacksonville Beach* refers to the City's weighted average VMT, as determined by dividing the 2030 model-based projected VMT divided by the 2030 daily trips.
- c. *Project daily vehicle trips and trip reduction adjustments.* Unless there is a special local trip generation study approved by the Planning and Development Department, the Institute of Transportation Engineers (ITE) most recent edition of "Trip Generation" shall be utilized to determine project daily vehicle trips. The project daily vehicle trips generated shall be reduced using vehicle trip adjustments based upon physical measures, including but not limited to, residential density, mix of uses, existence of local serving retail, transit service and pedestrian/bicycle friendliness. Such adjustments are derived from the URBEMIS Mobile Source Mitigation Component Model and/or potential Transportation Demand Management (TDM) measures for redevelopment projects. The project daily vehicle trips generated shall also be reduced by any daily vehicle trips being generated by existing uses on the property.
- (c) *Re-evaluation of mobility fee formula and trip reduction factors.* At a minimum, every five (5) years the Planning and Development Department shall re-evaluate the City's Mobility Plan and review and potentially update the mobility fee formula and trip reduction factors.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (d) *Deposit of mobility fees and appropriation of mobility fees.* Mobility fees received by the City shall be deposited into a mobility fee account. The mobility fees collected shall have a reasonable relationship to the transportation impacts generated by any proposed development and shall be appropriated for the prioritized multimodal transportation improvement projects identified in the Capital Improvement Element of the Comprehensive Plan. These projects will include improvements that facilitate multimodal travel and accessibility including roadway, bicycle, pedestrian and transit.
- (e) *Duration of mobility fee calculation certificate.* A mobility fee calculation certificate or expedited mobility fee calculation certificate for proposed development of property is valid for two (2) years from the date of issuance, unless it is:
- (1) Extended for one year by the payment, prior to the expiration date, of the applicable annual inflation adjustments as determined by the Florida Department of Transportation Office of Financial Development.
- (f) *Transportation improvement projects constructed by a landowner or developer.*
- (1) *Applicability.* A landowner or developer may construct, or cause to be constructed, any transportation improvement project that is identified in the 2030 Mobility Plan to offset a calculated mobility fee if the transportation improvement project either:
 - a. Costs the same as the applicant's mobility fee; or
 - b. Costs less than the applicant's mobility fee and the applicant pays the difference between the mobility fee and the cost of the improvement project.
 - (2) *Credit against mobility fee.* A landowner or developer who constructs, or causes to be constructed, an entire transportation improvement project that is identified in the list of prioritized multimodal transportation improvements in the Capital Improvement Element of the Comprehensive Plan as authorized in subsection (d) shall receive credit against the applicable mobility fee as provided in this Section for the design, permitting, and construction of the entire transportation improvement project.
 - (3) *Calculation of credit.* The credit authorized shall be calculated using the cost estimates in the most recent issue of the Florida Department of Transportation, Office of Policy Planning, and Policy Analysis and Program Evaluation publication entitled Transportation Costs. The cost estimates for facilities and/or projects not identified in Transportation Costs shall be determined by the Public Works Department, prior to the approval of any credit.
 - (4) *Timing of credit.* The costs shall be deemed incurred and credit shall be provided pursuant to this subsection when a contract for the construction of the entire transportation improvement project is awarded, and a payment and performance bond, or other form of security approved by the City Attorney, is provided to the City to guarantee the funding of the facilities and/or projects. The City shall be a co-obligee under the bond or other form of security.
 - (5) *Public Works Department review.* All transportation improvement projects shall be approved by the Public Works Department prior to, and after construction to verify completion and fulfillment of any mobility fee requirements.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- (6) *Right-of-way donation.* A landowner or developer may also receive credit in the donation of land, if the land is necessary for a transportation improvement identified as a prioritized transportation improvement project identified in the Capital Improvement Element of the Comprehensive Plan. An appraisal shall be required for any donation of land. The landowner or developer and the City of Jacksonville Beach Public Works Department shall mutually agree to the appraiser prior to the appraisal being performed. The Public Works Department's agreement shall be evidenced by a memorandum or letter executed by the Director of the Public Works Department.
- (g) *Educational services exemption.* Private primary and secondary educational schools, including any on-site ancillary facilities, shall be exempt from the payment of the mobility fee and the requirements of this Section.
- (h) *Credit for trip reduction adjustments.* If a developer or landowner has excess credits above his or her mobility fee due to the application of the trip reduction adjustments described in subsection (b)(5)(c), the developer or landowner may use those credits on the property or transfer those credits to other properties or other developers or landowners to offset a mobility fee payment.
- (Ord. No. 2010-7993, § 2, 7-19-10; Ord. No. 2013-8036, § 2, 12-2-13)

Sec. 34-926. Public school facilities concurrency application and review procedures.

- (a) *Applicability.*
- (1) *Generally.* Except as otherwise specifically provided, the provisions of this Section shall apply only to development proposals submitted after July 19, 2010, as follows:
- a. *Residential development.*
1. Unless exempt or age-restricted, all residential development shall be subject to public school concurrency.
 2. Before approval of any development proposal, or phase thereof, a valid and unexpired finding of available school capacity, and either (A) a valid and unexpired school concurrency allocation or (B) a proportionate share mitigation agreement executed by the applicant and the school district, must be obtained. A school concurrency allocation may only be authorized by the City based on a finding of available school capacity that is dated no earlier than one (1) calendar year prior to the date of the school concurrency allocation.
 3. At the request of a potential applicant for a development proposal, a non-binding finding of available school capacity may be made by the school district at any time prior to the filing of an application for a development proposal. However, in no event will any development proposal be approved prior to the City receiving a finding of available school capacity and a school concurrency allocation from the school board.
 4. Notwithstanding the foregoing, neither a finding of available school capacity nor a school concurrency allocation is required for any residential development in which

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

occupancy is restricted by deed to persons over the age of eighteen (18) years, for a period of at least thirty (30) years.

- b. *Nonresidential development.* A finding of available school capacity is not required for the nonresidential component of any development proposal.
- (2) *Appeals.* Appeal may be taken from the final decision of the Director regarding the applicability of this ordinance to a particular application. Appeals must be filed within thirty (30) business days of the decision, as further described herein.
- (b) *Application review procedure.*
 - (1) *When required.* Subject to the requirements of this Section, a school concurrency application must be submitted in conjunction with any development proposal. No development proposal will be approved by the City unless a finding of available school capacity and the school concurrency allocation is first obtained.
 - (2) *Requirements for school concurrency application.*
 - a. *Pre-submittal meeting with school district designee.* Prior to submission of a school concurrency application, the applicant shall meet with the school district designee and/or the Director to confirm the scope and applicability of this Section and to identify potential public school facility deficiencies that may need to be mitigated. At or following the pre-submittal meeting, the school district designee shall:
 - 1. Provide the current school concurrency schedule;
 - 2. Identify available school capacity;
 - 3. Provide other relevant and available information regarding demand for public school facilities and available school capacity;
 - 4. Summarize the scope of the school concurrency application requirements, which shall include, but not necessarily be limited to, the information listed in paragraph (b)(2)b. of this Section; and
 - 5. Determine whether or not available school capacity exists and whether the applicant would like to explore proportionate share mitigation possible, the proposed amount and type of proportionate share mitigation.
 - b. *General school concurrency application requirements.* The school concurrency application shall include:
 - 1. Name, address, and phone number of the applicant;
 - 2. Property location, including parcel identification numbers and vicinity map;
 - 3. A description of the development proposal, including type, intensity and amount of development, adequate to determine the number and type of public school students generated by the development proposal;
 - 4. A phasing schedule for any development proposal to be completed in more than one phase;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

5. A description of any past or proposed public school facility dedicated, constructed, or funded in order to mitigate the public school impacts of the development proposal;
 6. A calculation of any school impact fees that will be assessed prior to occupancy of the dwelling units or lots that are part of the development proposal;
 7. In the event that there is not available school capacity to accommodate the development proposal, a proposed proportionate share mitigation agreement, using the form provided by the school district, and a description of the proposed proportionate share mitigation option(s) being utilized; and
 8. Other relevant information required by the school district that is needed to evaluate the school concurrency application and to make a finding with regard to available school capacity.
- (3) *Completeness review.* Within ten (10) business days after its receipt, the Planning and Development Department will determine whether the school concurrency application is complete and complies with the submission requirements set forth in this Section. If the school concurrency application is complete and the submission requirements have been met, the Director will forward the school concurrency application to the school district designee for review and a finding with regard to available school capacity. If the school concurrency application is not complete, the Director will notify the applicant of its deficiencies in writing within fifteen (15) business days of its receipt. At the time that the school concurrency application is determined to be complete, the Director shall submit it to the school district for review.
- (4) *Finding of available school capacity and school concurrency allocation.*
- a. Within fifteen (15) business days of the submission to Planning and Development Department of a complete school concurrency application, a revised school concurrency application, or a proffered proportionate share mitigation agreement, the school district shall prepare a written report that:
 1. Identifies available school capacity in the relevant concurrency service area, pursuant to the terms of this Article and the applicable public schools interlocal agreement;
 2. Identifies any previously dedicated, constructed, or funded public school facility accepted as proportionate share mitigation for the public school impacts of the development proposal; and
 3. Based on information provided by the applicant and its own data and work program, states whether public school concurrency can be achieved for each type of public school facility sufficient to accommodate the development proposal.
 - b. Finding of available school capacity.
 1. Where, based on the standards and methodologies set forth herein, the school district determines that public school concurrency has been achieved, the school district shall issue a finding of available school capacity.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

2. Upon issuance of a finding of available school capacity, the school district designee shall allocate, for up to one (1) year, the amount of school capacity to be required by the development proposal on the school concurrency schedule. This temporary allocation of school capacity will expire either at the end of one (1) year, or upon the withdrawal, rejection or denial of the development proposal. It shall be reduced if, and to the same extent that, the development proposal is amended to reduce the impacts on public school facilities. The school district designee shall issue a school concurrency allocation if the development proposal is approved, and record the school concurrency allocation on the school concurrency schedule.
 3. If a finding of available school capacity is based on a public school facility provided through proportionate share mitigation, final approval of the development proposal shall not be given by the City until the execution of a proportionate share mitigation agreement by the applicant and the school district, pursuant to Section 34-926(d). Upon approval of the development proposal, the City shall execute the proportionate share mitigation agreement.
 4. Upon the request of the applicant and for good cause, the school district may grant one (1) one-year extension to the duration of a finding of available school capacity.
- (5) *Duration and effect of a school concurrency allocation.*
- a. A school concurrency allocation shall remain valid and shall apply to any certificate of occupancy or building permit requested for as long as the approval of the development proposal remains effective.
 - b. A school concurrency allocation shall not affect the need for the applicant to meet all other requirements set forth in the land development and subdivision regulations or any other lawfully adopted ordinance or law of the City.
- (6) *Finding of no available school capacity; proportionate share mitigation agreements.*
- a. If the school district designee determines that no available school capacity exists to accommodate the development proposal and no acceptable proportionate share mitigation agreement has been proffered for the school district's and the City's execution, pursuant to subsection c.3. below, the school district designee shall issue a finding of no available school capacity, and no school concurrency allocation shall be entered on the school concurrency schedule.
 - b. Upon the receipt from the school district designee of a finding of no available school capacity, the Planning and Development Department must notify the applicant in writing within ten (10) business days of the denial. The notice must state the reasons for the denial and any actions that the applicant may take voluntarily to receive a finding of available school capacity.
 - c. Upon a finding of no available school capacity, an applicant may:
 1. Submit a development proposal for a reduced amount of development for which available school capacity exists;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

2. Submit an amended development proposal that includes the following:
 - i. A proposed phasing schedule setting forth the amount, location, and timing of development associated with each proposed phase;
 - ii. A showing that available school capacity will exist for each phase of development; and
 - iii. Other additional information or materials identified by the school district designee as necessary to ensure public school concurrency;
 3. Proffer an executed proportionate share mitigation agreement, pursuant to Section 34-925(g) of this Article, which shall fully mitigate the impact of the development proposal on public school facilities; or
 4. Wait until school capacity may exist for the development proposal pursuant to the work program.
- (c) *Procedures for finding whether there is available school capacity.* The school district designee shall make a finding with regard to available school capacity in accordance with the requirements of this Section and the public schools interlocal agreement, based on the methodology below:
- (1) The school district designee will measure available school capacity for each school level, based on the school capacity of the concurrency service area in which a development proposal is located. If school capacity is not available in the affected concurrency service area, the school district designee shall determine whether there is available school capacity in any contiguous concurrency service area.
 - (2) For each school type (elementary, middle and high), the school district designee may issue a finding of available school capacity if the following calculation methodology shows that there is available school capacity:
 - a. *Formula for total public school facilities*
Total public school facilities =
Existing public school facilities +
Planned public school facilities
 - b. *Formula for available school capacity*
Available school capacity =
Total public school facilities - (Current student enrollment + Student stations reserved by a finding of available school capacity + Student stations reserved for exempt development + School capacity required by the development proposal).
 - (3) If a finding of available school capacity is based upon the capacity of one or more contiguous concurrency service areas, then the school district designee shall address the means and timeframes within which the impacts of the development proposal will be shifted by the school district to the contiguous concurrency service area. If more than one (1) concurrency service area has capacity, the school district designee shall determine which one will receive the impacts of the development proposal. Methods to shift impacts may include, but are not necessarily limited to:

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

- a. Redistricting;
- b. Transportation plans;
- c. Operational adjustments; or
- d. Terms or conditions agreed to by the applicant.

(d) *Proportionate share mitigation agreements.*

- (1) *Applicability.* The provisions of this Section shall apply to an applicant that either has received a finding of no available school capacity or wishes to proffer proportionate share mitigation.
- (2) *Proportionate share mitigation agreement.* If it is determined necessary or desirable, the school district and the City may convene a meeting with the applicant or each other if desired, to discuss the specific details of the proportionate share mitigation agreement. The agreement shall provide mitigation that is at least proportionate to the demand for public school facilities to be created by the additional or new residential units in the development proposal, and for which there is no available school capacity. However, this mitigation may not be provided unless it is first accepted by the school district. Any mitigation that is provided for in a proportionate share mitigation agreement must satisfy the demand created by the additional or new residential units, and shall be directed by the school district toward a planned public school facility identified in the work program.

The school district shall agree to amend the work program during the next annual update to include the school capacity improvement being offered as proportionate share mitigation. The proportionate share mitigation agreement must be signed by the applicant and school district before a finding of available school capacity is issued. The City shall execute the proportionate share mitigation agreement following approval of the development proposal.

- (3) *Options for proportionate share mitigation.* If the applicant chooses to enter into a proportionate share mitigation agreement, he or she shall provide one or more of the following proportionate share mitigation options:
 - a. The construction, expansion, or payment for land acquisition or construction of a public school facility; or
 - b. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell school capacity credits. The applicant and the school district shall consult on the options available for mitigating the concurrency service area affected by the development proposal. The agreed upon mitigation shall be described in an exhibit to the proportionate share mitigation agreement.
- (4) *Determination of amount of proportionate share mitigation required.* The amount of proportionate share mitigation required from an applicant shall be calculated by applying the adopted student generation rate multiplier to the cost per student station estimate for each school type (elementary, middle and high) for which there is not sufficient school capacity. The minimum proportionate share mitigation obligation for a development proposal shall be determined by the following formulas:
 - a. *Formula for number of student stations to be mitigated.*

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

Number of new student stations
required for mitigation (by school
type) =

Available school capacity for the development proposal -
[Number of dwelling units generated by development proposal (by housing type) ×
Student generation multiplier (by housing type and school type)]

b. *Formula for cost of mitigation.*

Cost of proportionate share mitigation =
Number of new student stations required for mitigation (by school type) × Cost per
student station estimate (by school type).

The full cost of proportionate share mitigation shall be required from the development
proposal.

- (5) *Cross jurisdictional impact.* If the approval of additional or new residential dwelling units would result in a failure of public school concurrency within a school district in an adjacent county and the applicant seeks to enter into a proportionate share mitigation agreement, the City shall use the formulas set forth in this Section to determine the applicant's minimum proportionate share mitigation obligation. Any proportionate share mitigation provided by the applicant shall be directed to the school district in the adjacent county that experiences the failure of public school concurrency.
- (6) *Impact fee credit.* The City shall provide a credit for the proportionate share mitigation, calculated pursuant to subsection (d) and provided for in the proportionate share mitigation agreement, toward any impact fee or exaction imposed by ordinance of the City for the same need.
- (e) *School district work program and the Capital Improvements Element.*
- (1) *Work program.*
- a. *Purpose.* The purpose of the school district's work program is to implement the requirements of F.S. § 1013.33, and to ensure the provision of adequate public school facilities as new residential development occurs in the City.
- b. *Annual updates and monitoring reports.* Pursuant to the public schools interlocal agreement, the City will review, comment, and participate in the development of the school district's work program and will provide input with respect to the work program's consistency with the Comprehensive Plan. Considering the input of the City, the school district shall amend the work program annually by October 1 to include the immediately subsequent fifth year of public school facilities. Each annual update shall address the status of public school facilities, including, but not limited to the following:
1. The available school capacity by concurrency service area;
 2. Anticipated increases in residential development within the City and the incorporated municipalities within the county;
 3. The existing and projected level of service for each concurrency service area by year for the five (5) year planning period;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

4. For each concurrency service area and each year of the five-year planning period, the financial feasibility of providing the needed school facilities to achieve and maintain the Level of Service Standard;
 5. The current need for any public school facilities resulting from changes in population trends, employment growth, or other relevant factors;
 6. The rate and location of development of exempt development;
 7. Any amendments necessary to effectuate the purpose and intent of this Article and state law, including any demand assumptions, need factors, and other matters recommended by the school district for reconsideration or revision; and
 8. The projected financing for any additional school capacity resulting from the factors set forth in subsections (i) through (v), above.
- (2) *Capital Improvements Element.* The Capital Improvements Element of the City's Comprehensive Plan shall be amended each year by December 1 to reflect the most recent update to the work program. Adoption shall be by reference to the specific date of approval by the school district of the updated work program.
- (f) *Appeal of school concurrency determinations.* An applicant may appeal a determination by the school district designee to the school district or any final decision by the Planning and Development Department, made pursuant to the terms of this Section, to the Jacksonville Beach City Council. Appeals must be filed with the Planning and Development Department within thirty (30) business days of the determination or decision being appealed. Appeals shall be heard by the Duval County School Board or the Jacksonville Beach City Council, as appropriate, at an evidentiary hearing at which the reasons for the decision and the evidence relied upon shall be presented. The applicant also shall have the opportunity to present the reason for appeal and evidence in support of the appeal. The Duval County School Board or Jacksonville Beach City Council, as appropriate may:
- (1) Affirm the decision of the school district designee or Director;
 - (2) Remand the matter to the school district designee or Director for further proceedings; or
 - (3) Reverse the decision of the school district designee or Director. Decisions of the Duval County School Board or the Jacksonville Beach City Council may be challenged in a court of competent jurisdiction in accordance with applicable law.

(Ord. No. 2010-7993, § 2, 7-19-10)

Sec. 34-927. Effect of development agreement with certificate of public facilities reservation.

A developer may enter into a development agreement with the City, in conjunction with the approval of a development order and a certificate of public facilities reservation to ensure adequate public facilities are available concurrent with the impacts of development on the public facilities. The effect of the development agreement shall be to bind the City and the developer pursuant to the terms and duration of the development agreement to its determination pursuant to this Section that adequate public facilities are available to serve the proposed development concurrent with the impacts of the

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE IX. ADEQUATE PUBLIC FACILITY STANDARDS

development on the public facilities. Any public facility capital improvement in the five-year schedule of capital improvements in the CIE on which such a certificate of public facilities reservation is made in conjunction with the approval of a development order and a development agreement, shall not be delayed, deferred, or removed from the five-year schedule of capital improvements in the CIE, except that any capital improvement may be deferred by one (1) year if the deferral is identified pursuant to the terms of a development agreement.

(Ord. No. 2010-7993, § 2, 7-19-10)

Sec. 34-928. Appeal of other concurrency determinations.

- (a) *General.* An applicant may appeal a decision of the Planning and Development Department on an application for a certificate of public facilities reservation by filing a petition with the City Manager within thirty (30) calendar days of the decision.
- (b) *Procedure.* The City Manager shall address the appeal petition within thirty (30) calendar days of its filing and consider only the record before the Planning and Development Department at the time of the decision and testimony of the petitioner and City staff.
- (c) *Standard.* The City Manager shall reverse the decision of the Planning and Development Department only if there is substantial competent evidence in the record that the application complies with the standards of this division.

(Ord. No. 2010-7993, § 2, 7-19-10)

Sec. 34-929. Amendment of certificate of public facilities reservation.

An amendment to a certificate of public facilities reservation shall be required prior to the approval of any amendment to a development order for which a certificate of public facilities reservation has been approved, if the amendment increases the need for capacity for a public facility. The amendment of a certificate of public facilities reservation shall only require evaluation and reservation of additional public facility capacity demanded by the proposed development and reservation of increased public facility capacity demand.

(Ord. No. 2010-7993, § 2, 7-19-10)

Secs. 34-930—34-999. Reserved.

ARTICLE X. DEVELOPMENT AGREEMENTS

Sec. 34-1000. Purpose and intent.

The purpose and intent of this Article is accomplished by authorizing development agreements to be entered into between a developer and the City of Jacksonville Beach pursuant to the terms of this Article to ensure adequate environmental protection, and the adequacy of public facilities and sound capital improvement planning, while providing certainty in the process of obtaining development permits and reducing the economic costs of development by providing greater regulatory certainty.

(Ord. No. 7500, § 11.1, 8-19-91)

Sec. 34-1001. Authority.

The City Council of Jacksonville Beach has the authority to adopt this Article pursuant to Fl. Const. Art. VIII, Sec. 2, the Jacksonville Beach Charter, F.S. § 166.01 et seq., F.S. § 163.3161 et seq., and F.S. § 163.3202 et seq.

(Ord. No. 7500, § 11.2, 8-19-91)

Sec. 34-1002. Procedure for review of development agreement.

- (a) *Submission of application.* An application for a development agreement and a proposed development agreement shall be submitted to the Planning and Development Department in conjunction with or after any application for development permit, on a form provided by the Planning and Development Department and made available to the public. The application shall be accompanied by a fee established by the City Council from time to time for the filing and processing of each application. The fee shall be non-refundable. If an application for a development agreement is submitted in conjunction with another application for development permit or an application for a certificate of public facilities reservation, the applicant may elect to have the application for a development agreement processed concurrent with the other application.
- (b) *Determination of sufficiency.* Within fifteen (15) working days of the submission of the application and the proposed development agreement, the Planning and Development Department shall determine whether the application is sufficient and includes the data necessary to evaluate the application.
 - (1) If it is determined that the application is not sufficient, written notice shall be served on the applicant specifying the deficiencies. The Planning and Development Department shall take no further action on the application unless the deficiencies are remedied.
 - (2) If the application is determined sufficient, the Planning and Development Department 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 Article.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE X. DEVELOPMENT AGREEMENTS

- (3) *Determination of Legal Sufficiency.* After the Planning and Development Department determine the Development Agreement is sufficient, the City's Attorney shall review the agreement prior to consideration by the approving body.
- (c) *Staff review and recommendation.* Within thirty (30) working days of a determination that an application is sufficient and after the agreement has been agreed upon by all parties in concept, City staff shall prepare and file with the Planning and Development Department a City staff report and recommendation on the application and proposed development agreement. A report shall not be drafted by the Planning and Development Department on agreements that the City will not agree to.
- (d) *Report by Planning and Development Department.* Within fifteen (15) working days after receiving City staff comments, the Planning and Development Department shall review the application and the proposed development agreement, and prepare a report and recommendation to the City Council as to whether the application and proposed development agreement complies with the standards of Section 34-1003. Upon its completion, the report and recommendation shall be sent to the applicant by the planning and Development Department.
- (e) *Decision by City Council.*
 - (1) *Two (2) public hearings.* After the Planning and Development Department has made a recommendation on the application and proposed development agreement, the application and proposed development agreement shall be considered at two (2) public hearings. At the first public hearing, City Council shall review the application, proposed development agreement, and recommendation by the Planning and Development Department, and public testimony. The second public hearing shall be before the City Council who, after review and consideration of the application, the proposed development agreement, and public testimony, shall approve, approve with conditions, or disapprove the development agreement. The second public hearing shall be a minimum of seven (7) days after the first public hearing. The day, time, and place of the second public hearing shall be announced at the first public hearing.
 - (2) *Notice.*
 - a. *General requirement.* Notice of intent to consider the application and proposed development agreement shall be advertised by the City publishing an advertisement approximately seven (7) days before each public hearing on the application in a newspaper of general circulation and readership in Jacksonville Beach. Notice of intent to consider the application and proposed development agreement shall also be mailed to all affected property owners before the first public hearing and the day, time, and place at which the second hearing will be held shall be announced at the first public hearing.
 - b. *Form.* The form of the notices of intention to consider adoption of a development agreement shall specify:
 - 1. *Time and place.* The time and place of each public hearing on the application;
 - 2. *Location.* The location of the land subject to the proposed development agreement;

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE X. DEVELOPMENT AGREEMENTS

3. *Uses and intensities.* The development uses proposed on the property, including the proposed population densities and proposed building intensities and height;
 4. *Where copy can be obtained.* Instructions for obtaining further information regarding the application and proposed development agreement, including where a copy of the proposed development agreement can be obtained.
- (3) *Decision.* At the conclusion of the second public hearing, and based upon consideration of the application and the proposed development agreement, the recommendation of the Planning and Development Department, and public testimony received during the public hearing, the City Council shall approve, approve with conditions, or deny the proposed development agreement based upon whether it complies with the standards in Section 34-1003.

(Ord. No. 7500, § 11.3, 8-19-91)

Sec. 34-1003. Standards of a development agreement.

A development agreement shall, at a minimum, include the following provisions:

- (a) *Legal description and owner.* A legal description of the land subject to the development agreement and the names of the legal and equitable owners.
- (b) *Duration.* The duration of the development agreement, which shall not exceed five (5) years, or the time limits which F.S. § 163.3220 et seq., the Local Government Development Agreement Act provides, whichever is greater.
- (c) *Uses, densities, intensities and height.* The development uses permitted on the land including population densities, building intensities and height.
- (d) *Future Land Use designation.* The land use designation of the property under the Future Land Use Element of the Comprehensive Plan.
- (e) *Zoning District designation.* The current Zoning District designation of the land subject to the development agreement.
- (f) *Public facility adequacy.* A description of public facilities that will service the development, including who shall provide such public facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impact of the development. Any public facilities to be designed and/or constructed by the developer shall be in compliance with all applicable federal, state, and City standards to ensure the quality of the public facilities. The standards shall include, but not be limited to, guarantees of performance and quality, and project controls (including scheduling, quality controls, and quality assurances).
- (g) *Reservation or dedication of land.* A description of any reservations or dedications of land for public purposes.
- (h) *Local development permits.* A description of all local development permits approved or needed to be approved for development of the land, specifically, to include at least the following:
 - (1) Any required amendments to the Comprehensive Plan.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE X. DEVELOPMENT AGREEMENTS

- (2) Any required amendments to the LDC.
- (3) Any required other amendments to the official Zoning Map.
- (4) Any other development permits under the LDC.
- (5) Any other required permissions from regional, state or federal governments.
- (i) *Local development permits obtained by applicant/property owner.* The development agreement shall specifically provide that all local development permits identified in Section 34-1003 shall be obtained at the sole cost of the applicant/property owner and, that in the event that any such local development permits are not received, no further development of the property shall be allowed until such time as the City Council has reviewed the matter and determined whether or not to terminate the development agreement, or to modify it in a manner consistent with the public interest and the Comprehensive Plan.
- (j) *Consistency with Comprehensive Plan.* A finding that the development permitted or proposed in the development agreement is consistent with the Comprehensive Plan.
- (k) *Consistency with Land Development Code.* A finding that the development permitted or proposed in the development agreement is consistent with the LDC.
- (l) *Compliance with laws not identified in development agreement.* A statement indicating that failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions, and that any matter or thing required to be done under existing ordinances of Jacksonville Beach shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in the development agreement with specific reference to the code provisions so waived, modified or amended; and
- (m) *Conditions necessary to ensure compliance with code and Comprehensive Plan.* Such conditions, terms, restrictions or other requirements determined to be necessary by the City Council to ensure compliance with the LDC and consistency with the Comprehensive Plan.

(Ord. No. 7500, § 11.4, 8-19-91)

Sec. 34-1004. Execution of development agreement.

A development agreement shall be executed by all persons having legal or equitable title in the land subject to the development agreement, including the fee simple owner and any mortgagees.

(Ord. No. 7500, § 11.5, 8-19-91)

Sec. 34-1005. Legislative act.

A development agreement is determined to be a legislative act of Jacksonville Beach in the furtherance of its powers to plan and regulate development, and as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the land subject to the development agreement, and the obligations and responsibilities arising thereunder on the property

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE X. DEVELOPMENT AGREEMENTS

owner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the development agreement.

(Ord. No. 7500, § 11.6, 8-19-91)

Sec. 34-1006. Recordation.

Within thirty (30) calendar days after the City enters into a development agreement, the Clerk to the City Council shall record the executed development agreement in the public records of the Clerk of the Circuit Court, Duval County. If the development agreement is amended, canceled, modified, extended, or revoked, the clerk shall have notice of such action recorded in the public records.

(Ord. No. 7500, § 11.7, 8-19-91)

Sec. 34-1007. Local laws and policies governing a development agreement.

The Jacksonville Beach laws and policies set down in the development agreement as governing the development of the land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement, except that Jacksonville Beach may apply subsequently adopted laws and policies to a development that is subject to a development agreement if the City Council holds a public hearing pursuant to the requirements of this Article and determines any one (1) of the following:

- (a) The laws and policies are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities, in the development agreement; or
- (b) The laws and policies are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement; or
- (c) The laws and policies are specifically anticipated and provided for in the development agreement; or
- (d) It is demonstrated that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
- (e) It is demonstrated that the development agreement is based on substantially inaccurate information supplied by the developer.

(Ord. No. 7500, § 11.8, 8-19-91)

Sec. 34-1008. Periodic review.

- (a) *Annual review.* The City Council shall review the development subject to the development agreement as needed.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE X. DEVELOPMENT AGREEMENTS

- (b) *Initiation.* The annual review shall be initiated by the developer subject to the development agreement. The initial annual report shall be submitted by the developer eleven (11) months after the effective date of the development agreement, and every twelve (12) months thereafter.
- (c) *Compliance.* If the Planning and Development Department finds and determines that the developer has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded.
- (d) *Failure to comply.* If the Planning and Development Department makes a preliminary finding that there has been a failure to comply with the terms of the development agreement, the development agreement shall be referenced to the City Council, who shall conduct two (2) public hearings pursuant to the requirements of Section 34-813, at which the developer may demonstrate good faith compliance with the terms of the development agreement. If the City Council finds and determines during the public hearings, on the basis of substantial competent evidence, that the developer has not complied in good faith with the terms and conditions of the development agreement during the period under review, the City Council may modify or revoke the development agreement.

(Ord. No. 7500, § 11.9, 8-19-91)

Sec. 34-1009. Amendment or cancellation of development agreement by mutual consent.

A development agreement may be amended or canceled by mutual consent of the parties to the development agreement, or by their successors in interest. Prior to amending a development agreement, the City Council shall hold two (2) public hearings on the proposed amendment, consistent with the requirements of Section 34-813.

(Ord. No. 7500, § 11.10, 8-19-91)

Sec. 34-1010. Effect of contrary state or federal laws.

In the event that state and federal laws are enacted after the execution of a development agreement which are applicable to and preclude the party's compliance with the terms of the development agreement, such development agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws. such modification or revocation shall occur only after the notice and public hearing pursuant to Section 34-813.

(Ord. No. 7500, § 11.11, 8-19-91)

Sec. 34-1011. Enforcement.

Any party or any aggrieved or adversely affected person may file an action for injunctive relief in the Circuit Court for Duval County to enforce the terms of a development agreement or to challenge compliance of the development agreement with the provisions of this Article and F.S. § 163.3220.

(Ord. No. 7500, § 11.12, 8-19-91)

Secs. 34-1012—34-1099. Reserved.

ARTICLE XI. NONCONFORMITIES

Sec. 34-1100. Purpose and intent.

Within the provisions established by the LDC, there exist uses of land, structures and lots that were lawfully established before the LDC was adopted or amended, that now do not conform to the terms and requirements of the LDC. The purpose and intent of this Article is to regulate and limit the continued existence and design of those uses, structures and lots that do not conform to the provisions of the LDC or any amendments thereto.

It is the intent of the LDC to permit these nonconformities to continue, until they are removed, but not to encourage their survival except under the limited circumstances established in this Article. It is further the intent of the LDC that increases in the nonconformities shall not be permitted. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of the LDC and the Comprehensive Plan.

(Ord. No. 7500, § 12.1, 8-19-91)

Sec. 34-1101. Nonconforming uses.

Nonconforming uses of land are declared generally incompatible with the LDC. Nonconforming uses of land may continue in accordance with the provisions of this Section.

- (a) *Normal maintenance or repair.* Normal maintenance or repair of structures where nonconforming uses are located may be performed in any period of twelve (12) consecutive months, to an extent not exceeding thirty-five (35) percent of the current assessed value of the structure, provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Section. For uses in the CBD and existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling, normal maintenance and repairs may be completed without the percentage requirement stated above.
- (b) *Enlargement or expansion.* A nonconforming use shall not be enlarged or expanded in area occupied, except a nonconforming use may be enlarged in any area of a structure that is manifestly designed and approved for such use, prior to the date the use became a nonconformity.
- (c) *Characteristics of nonconforming uses.* If characteristics (design) of use such as off-street parking and loading, or other matters related to the use of land are made nonconforming, no change shall be made in such characteristics of use which increase nonconformities.
- (d) *Relocation.* A nonconforming use shall not be moved in whole, or in part, to another location on or off the parcel of land on which it is located, unless the relocation of the nonconforming use decreases the nonconformity.
- (e) *Change in use.* A nonconforming use shall not be changed to any other use, unless that new or additional use conforms to the current provisions of the LDC for the Zoning District in which the use is located.
- (f) *Discontinuance or abandonment.* If a nonconforming use is discontinued or abandoned for a period of more than six (6) consecutive months, whether or not the equipment or furniture are removed,

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XI. NONCONFORMITIES

then such use may not be re-established or resumed, and any subsequent use shall conform to the current provisions specified by the LDC. Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling shall not be subject to this provision related to abandonment. When government action can be documented as the reason for discontinuance or abandonment, the time of delay by government shall not be calculated for the purpose of this Section.

- (g) *Unsafe because of maintenance.* If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by a duly authorized official of Jacksonville Beach to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of the LDC and the building code.

(Ord. No. 7500, § 12.2, 8-19-91)

Sec. 34-1102. Nonconforming structures.

A nonconforming structure devoted to a use permitted in the Zoning District in which it is located at the time of its construction, may be continued in accordance with the provisions in this Section.

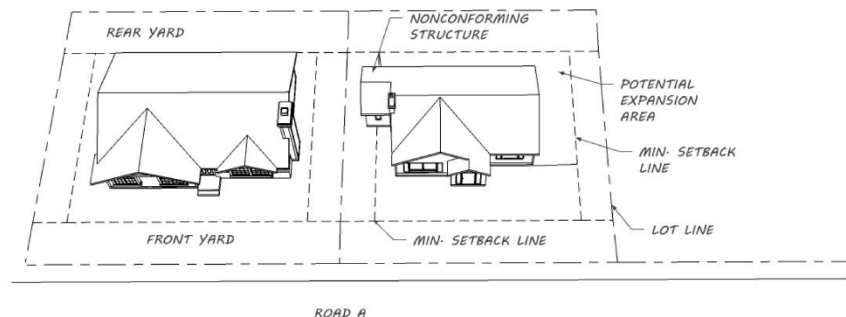
- (a) *Normal maintenance.* Normal maintenance or repair (requiring a permit) for continuation of a nonconforming structure may be performed in any period of twelve (12) consecutive months, to an extent not exceeding thirty-five (35) percent of the current assessed value of the structure, provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Section. For purposes of this Section, maintenance or repair to a non-conforming single-family structure which was previously approved without a garage shall be permitted the same. Additionally existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling, normal maintenance and repairs may be completed without the percentage requirement stated above.
- (b) *Enlargement or expansion.* A nonconforming structure shall not be enlarged or expanded in the area where structure is non-conforming, as to not increase the existing non-conformity.
- (c) *Characteristics of nonconforming structures.* If characteristics of use such as off-street parking and loading or other matters related to the use of a structure are made nonconforming, no change shall be made in such characteristics of the structure which increases nonconformities.
- (d) *Relocation.* A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it conforms to the standards and requirements of the Zoning District in which it is located.
- (e) *Damage and restoration of nonconforming structure (not a natural disaster).* No building which has been damaged by any means other than a natural disaster to an extent of more than fifty (50) percent of the fair market value of the structure immediately prior to damage, shall be restored, except in conformity with the standards of the LDC. If a structure is damaged by less than fifty (50) percent of the fair market value, it may be repaired and reconstructed and used as before the time of damage, provided that such repair or reconstruction be substantially completed within twelve (12) months after the date of such damage. Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling, normal maintenance and repairs may be

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XI. NONCONFORMITIES

completed without the percentage requirement stated above, provided they are not expanded unless as provided in this section.

- (1) Fair market value shall be 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 value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.
- (f) *Damage and restoration of nonconforming structure (natural disaster).* Damage from a natural disaster maintenance and repairs shall follow Florida State Statutes.
- (g) *Unsafe because of maintenance.* If a nonconforming structure, or portion thereof, or any structure or portion thereof becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by a duly authorized official of Jacksonville Beach to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of the LDC and the building code.

Figure 1:



(Ord. No. 7500, § 12.3, 8-19-91)

Sec. 34-1103. Nonconforming lots of record.

Where a lot or parcel of land has an area or frontage which does not conform to the standards of the LDC, but it was a lot of record on the effective date of the LDC, such lot or parcel of land may be developed, provided the minimum yard standards for the Zoning District or the established historic yard standards of the immediate area in which it is located are met.

Nonconforming residential may be rebuilt and enlarged:

- (a) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling shall be permitted to be rebuilt in their existing location in all Zoning Districts and may be

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XI. NONCONFORMITIES

expanded into the 10 foot rear yard expansion area for additions, so long as the proposed additions do not expand any existing nonconformities and only at a density that is allowed per the current LDC and the 2050 Comprehensive Plan.

(Ord. No. 7500, § 12.4, 8-19-91)

Secs. 34-1104—34-1105. Reserved.

ARTICLE XII. ENFORCEMENT PROCEEDINGS AND PENALTIES²

Sec. 34-1200. General.

The provisions of the LDC shall be enforced (1) by the special magistrates ("special magistrate") pursuant to the Article VI of Chapter 2 of this Code, (2) by the Planning and Development Director or designee, (3) by the City Council through its authority to enjoin and restrain any person violating the code, or (4) by the City of Jacksonville Beach through the prosecution of violations in the name of the State of Florida.

(Ord. No. 2007-7938, § 1, 8-6-07)

Sec. 34-1201. Planning and Development Director or Designee.

- (a) *Authority.* Upon determination by the Planning and Development Director or designee that any provision of the LDC has been violated, the Planning and Development Department shall send a written notification of violation to the owner of record of the land or structure involved, and to the person responsible for the violation, or request the City Attorney through the City Manager to initiate immediate civil actions to enjoin and restrain the violation, or both.
- (b) *Warning Notification of violation.* In addition to the requirements of Article VI of Chapter 2 of the Code of Ordinances for the City of Jacksonville Beach, the written warning notification of violation shall include:
 - (1) The Section of the LDC being violated.
 - (2) An order to cease such violation.
 - (3) Information concerning penalties for violation of the LDC.
- (c) *Notice of violation.* If any violation continues for fifteen (15) working days after receipt of a warning of violation, the Planning and Development Department shall issue a notice of violation which shall include a reference to the particular Section of the LDC that is being allegedly violated, a short plain statement of the matters asserted, and other evidence of the alleged violation.
- (d) *Citations.* The Planning and Development Director or designee may issue an immediate citation for civil penalties (including for noncompliance) pursuant to the authority granted by F.S. Chapter 162, Part II.
 - (1) An appropriate citation fee schedule shall be determined by City Council, posted on the City's website, and updated periodically.

(Ord. No. 2007-7938, § 1, 8-6-07)

²Editor's note(s)—Ord. No. 2007-7938, § 1, adopted August 6, 2007, amended art. XIII in its entirety to read as herein set out. Former art. XIII, §§ 34-636—34-640, pertained to enforcement procedures and penalties, and derived from Ord. No. 7500, §§ 13.1—13.5, adopted August 19, 1991.

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XII. ENFORCEMENT PROCEEDINGS AND PENALTIES

Sec. 34-1202. Enforcement by special magistrate.

Any violation of the LDC may be prosecuted by the special magistrate pursuant to the following standards and procedures.

- (a) *First notice of violation.* If an alleged violation of the LDC is found; the Planning and Development Department shall notify the alleged violator and give him a minimum of ten (10) working days to correct the violation pursuant to Article VI of Chapter 2 of the Code of Ordinances.
- (b) *Final notice of violation.* Should the violation continue beyond the time specified for correction, the Planning and Development Department shall issue a notice of violation to the alleged violator pursuant to Article VI of Chapter 2 of the Code of Ordinances.
- (c) *Notice of hearing to the Special Magistrate.* Upon issuance of the violation notice, the Planning and Development Department shall notify the appropriate clerical staff person who shall notify the special magistrate of the violation notice and shall schedule a hearing within a reasonable time for the special magistrate on the violation. Notice of hearing shall be made in accordance with the provisions of Article VI of Chapter 2 of the Code of Ordinances, unless the Planning and Development Department has reason to believe a violation presents a serious threat to the public health, safety and welfare.
- (d) *Correction of violation.* If the alleged violation is corrected and then recurs, the Planning and Development Department shall issue a notice of violation and a notice of hearing to the alleged violator and schedule a hearing. The specialist magistrate shall hear the alleged violation in this instance, even if it has been corrected prior to the special magistrate's hearing and every notice shall so state.
- (e) *Procedure at hearings.* The special magistrate shall proceed to hear the cases on the agenda for that day as expeditiously as possible. All testimony shall be under oath and shall be recorded. The special magistrate shall take testimony from City staff, if relevant, the alleged violator, and other relevant testimony. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible. At the hearing, the burden of proof shall be upon the City to demonstrate by a preponderance of the evidence that a violation exists, or existed at the time the Planning and Development Department issued the notice of violation.
- (f) *Action by the special magistrate.*
 - (1) The special magistrate may, at his/her option, issue findings of fact, based on evidence of record and conclusions of law; and may issue an order affording the proper relief consistent with powers granted in this Article and in Chapter 162, Florida Statutes at the conclusion of the hearing. All such findings of fact, conclusions of law, and orders shall be issued not later than thirty (30) days from the date of the hearing. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. The order shall have the force of law to command whatever steps are necessary to bring a violation into compliance. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XII. ENFORCEMENT PROCEEDINGS AND PENALTIES

findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

- (2) In the event that a violator has been previously determined to have violated a provision of the code within the prior five (5) years, the special magistrate may require that the violator comply with appropriate mitigation measures to the land where the violation was committed. Such measures may include, but is not limited to, landscaping, biological restoration, and requirements for posting performance bonds to ensure compliance with the order of the special magistrate.
- (3) *Notification of action.* Notification of the special magistrate's action shall be delivered by the City Clerk to the violator by regular mail within ten (10) days of the hearing.
- (4) *Failure of alleged violator to appear.* If an alleged violator who has received proper notice fails to appear at the hearing, the special magistrate shall enter an order against the alleged violator requiring correction of the violation. The enforcement of such an order may be stayed if the violator files a request for a re-hearing with the appropriate clerical staff person within ten (10) calendar days from the date the order is rendered, and demonstrates good cause for such failure to appear. In such case, the violator will be rescheduled for a hearing before the special magistrate at the next scheduled hearing. If at that hearing, the special magistrate finds that good cause existed for the violator's failure to appear, the prior order shall be rescinded and a new hearing conducted immediately. If the special magistrate fails to find good cause for the failure to appear, the previous order shall remain in effect.
- (5) *Stop work on existing approval.* The special magistrate shall, when a violation of a special magistrate order has been determined to exist, direct the Planning and Development Department not to issue any subsequent development permit(s) for the development until the violation has been corrected and inform the violator that no further work under an existing approval may proceed until the violation has been corrected.
- (6) *Fine.* The special magistrate may order the violator to pay a fine that shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation, and shall not exceed five thousand dollars (\$5,000.00) for a violation found to be irreparable or irreversible in nature. In determining the amount of the fine, if any, the special magistrate shall consider the gravity of the violation; any actions taken by the violator to correct the violation; and any previous violations committed by the violator.
- (7) *Fine constitutes lien.* A certified copy of an order imposing a fine may be recorded in the public records of the office of the Clerk of the Circuit Court for Duval County, Florida, and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Such lien may be enforced in the same manner as a court judgment by the sheriffs of this state, including execution and levy against personal property, but shall otherwise not be deemed a judgment of a court except for

PART II - CODE OF ORDINANCES
Chapter 34 - LAND DEVELOPMENT CODE
ARTICLE XII. ENFORCEMENT PROCEEDINGS AND PENALTIES

enforcement purposes. A fine imposed pursuant to this Section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this Section, whichever occurs first. A lien arising from a fine imposed pursuant to this Section runs in favor of the City, and the City may execute a satisfaction or release of lien entered pursuant to this Section. After three (3) months from the filing of any such lien that remains unpaid, the City may foreclose on the lien or sue to recover a money judgment for the lien and accrued interest. No lien created pursuant to the provisions of this Section may be foreclosed on real property that is a homestead under Section 4, Article X of the State Constitution. The money judgment provisions of this Section shall not apply to real or personal property that is covered under Section 4(a), Article X of the State Constitution.

- (8) *Appeal.* Any aggrieved party may appeal an order of the special magistrate by certiorari proceedings in the Circuit Court of Duval County, Florida. The petition for writ of certiorari must be filed within thirty (30) days after the date of execution of the order to be appealed. The scope of review shall be limited to the record made before the special magistrate and shall not be a trial de novo.

(Ord. No. 2007-7938, § 1, 8-6-07)

Sec. 34-1203. Civil remedies.

The City Council or any interested person shall have the right to apply to the Circuit Court of Duval County, Florida, to enjoin and restrain any person violating the provisions of the LDC, and the court shall, upon proof of the violation of same, have the duty to forthwith issue such temporary and permanent injunctions as are necessary to prevent the violation of same.

(Ord. No. 2007-7938, § 1, 8-6-07)

Sec. 34-1204. Criminal remedies.

Any person violating any provisions of the LDC or who shall fail to abide by and obey all orders and resolutions promulgated as herein provided, shall be guilty of a misdemeanor, and shall be subject to all criminal penalties authorized by State of Florida for such violation. Each day that the violation continues shall constitute a separate violation. This Section shall not apply to Article III of Chapter 34 (Land Development Code) of the Jacksonville Beach Code of Ordinances.

(Ord. No. 2007-7938, § 1, 8-6-07; Ord. No. 2015-8065, § 3, 12-7-15)

Secs. 34-1205—34-1299. Reserved.