



# City of Jacksonville Beach

## Amended Briefing Notice

11 North Third Street  
Jacksonville Beach, Florida

### City Council

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Monday, April 13, 2026

5:30 PM

City Hall 1st Floor Conference Room

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City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

- A. JBOR/VLSC Annual Report
- B. Summer Camps on the Beach Ordinance
- C. Land Development Code First Annual Report and Operational Impacts
- D. Financial Dialogue with Chief Financial Officer and City Manager (addressing concerns regarding Public Works project budget and the City budget)
- E. Committee Assignment Report
- F. Miscellaneous City Manager's Items
- G. Future Briefing Topics

Council Members in attendance may include:

Mayor:	Christine Hoffman		
Council Members:	Sandy Golding	Bill Horn	Dan Janson
	Greg Sutton	John Wagner	Bruce Wouters

Please note: Council Members in attendance may vary according to their schedules.

***No public comments are taken at the City Manager's Council Briefing.***

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.



CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	David Migut, City Attorney
DATE:	April 13, 2026
SUBJECT:	Summer Camps on the Beach Ordinance

**BACKGROUND**

Section 6-5(a) of the Code of Ordinances prohibits businesses from operating on any portion of the beach without obtaining a permit from the City Clerk's Office. On April 7, 2003, the City Council voted to allow surf and volleyball camps to operate on the beach with conditions, including obtaining an occupational license (now called a local business tax), insurance, hold-harmless agreements for the operator and participants, and issuance of a special permit.

*Section 6-5 Special permits to operate business on beaches required*, explains the conditions for obtaining a special permit. Following the 2003 Council approval to allow surf and volleyball camps, it appears there was no ordinance, code or written policy created to formalize the process. The Clerk's Office has been issuing surf camp permits solely based on the language in the minutes from that meeting.

The attached draft ordinance is to codify current practice based on the 2003 City Council Meeting minutes as well as the feedback provided at the May 2025 Council Briefing.

**FINANCIAL IMPACT**

**COUNCIL DIRECTION REQUESTED**

**ATTACHMENTS**

1. 2026-XXXX Amending Sec. 6-5. Special permits

BRIEFING ITEM:	B.
BRIEFING DATE:	April 13, 2026

Introduced by: \_\_\_\_\_  
1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_

**ORDINANCE NO. 2026-xxxx**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 6 “BEACHES AND BULKHEADS”, ARTICLE I “IN GENERAL”, SECTION 6-5 “SPECIAL PERMITS TO OPERATE BUSINESS ON BEACHES REQUIRED”; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, SCRIVENER’S ERRORS, CODIFICATION, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 6-5(a) of the City Code of Ordinances prohibits businesses from operating on any portion of the beach without obtaining a permit from the City Clerk's Office; and

**WHEREAS**, on April 7, 2003, the City Council voted to allow surf and volleyball camps to operate on the beach with conditions, including obtaining an occupational license (now called a local business tax), insurance, hold harmless agreements for the operator and participants, and issuance of a special permit. Such conditions are memorialized by meeting minutes, but were never codified; and

**WHEREAS**, the City Council deems it beneficial for the public’s health, safety, and welfare, and in the City’s best interests to amend its Code of Ordinances to formalize the conditions approved in 2003 and provide additional clarification as to other types of activities on the beach subject to these conditions; and

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

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

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

**SECTION 2. CHAPTER 20, ARTICLE III, SECTION 20-5 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS<sup>1</sup>:**

Sec. 6-5. Special permits to operate business on beaches required.

<sup>1</sup> ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

- (a) It shall be unlawful for any person to engage in, manage or conduct any business, profession, or occupation, including but not limited to surf and fitness-related camps, upon any portion of the beach or shore of the Atlantic Ocean lying east of the bulkhead line for the city without first applying for, and obtaining, a permit from the city clerk, which shall be subject to being revoked for violation of this chapter or other laws applicable thereto, ~~and~~ ~~no~~ permit granted by the city clerk shall be transferred or assigned without the approval of the city manager, provided that section 6-6 shall prevail over this section.
- (b) The application for a permit shall be obtained from the city clerk and shall be in writing on a form prescribed by the city and shall meet the following conditions:
- (1) The operator of the business shall have a current local business tax receipt on file with the city.
  - (2) The operator shall have a place of business or agreement to operate from a place of business west of the bulkhead line on private property that abuts the beach, within the City of Jacksonville Beach, where they can conduct their operation. Said place of business shall be located in a zoning district where such an operation is permitted and approved as a conditional use. No business payment transactions shall be conducted directly on the beach east of the bulkhead line or on public property.
  - (3) The operator shall maintain a minimum of one million dollars (\$1,000,000.00) in general liability insurance, sign and provide to the city a hold-harmless agreement prior to conducting their business, and add the City of Jacksonville Beach as an additional insured on all insurance policies. The operator shall also require all participants (or guardians of minor participants) to sign hold harmless waivers and shall promptly provide such waivers to the city clerk's office.
  - (4) No equipment or materials of any kind shall be stored east of the bulkhead line before or after the approved hours of operation. After hours of operations, all equipment must be stored on private property.
  - (5) The operator shall abide by the Code of Ordinances as they relate to surfing, rental boats, and floats; sections 6-49, 6-51, 6-53.
  - (6) Kite surfing, parasailing, jet skis, or any other motorized boats will not be rented.
  - (7) The operator shall identify how they will transport their equipment and materials to the beach east of the bulkhead line, and obtain written permission from the city for same. The transport of equipment shall use city-approved access points and shall not negatively impact the sand dunes.
  - (8) The operator shall list the hours, days, and months of operation they will be open for business. The hours of operation shall be within the hours of 8:00 a.m. to 7:00 p.m.
  - (9) The operator shall not advertise the business on the beach, nor place snipe or illegal signs anywhere within the City of Jacksonville Beach.
  - (10) The operator shall identify where along the beach the business will be located conducted and shall not interfere with any existing business or city-approved special event.

(11) Operator shall rent only the following equipment: chairs, umbrellas, body boards, skim boards, surfboards, kayaks, bikes, footballs, volleyballs, and games such as horse shoes, Frisbees, bocce ball, and other similar equipment approved in writing by the city manager.

Upon obtaining a special permit to operate a business on the beach from the city clerk, the owner/operator must have the permit renewed annually. The permit can be revoked at any time by the city manager if the operation is found to be in conflict with the safe use of the beach, or there is a failure to follow the terms of the permit, or there is a violation of any city ordinances. The city manager's revocation of a permit may be appealed to the special magistrate.

(c) Any permit issued under this section shall be deemed non-exclusive and shall not preclude the public from enjoying beach-related activities.

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

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

**SECTION 5. SCRIVENER'S ERRORS.** Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager without the need for a public hearing or further action by the City Council.

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

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

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2026.**

\_\_\_\_\_  
Christine H. Hoffman, Mayor

\_\_\_\_\_  
Molly Allegger, City Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
David Migut, City Attorney



CITY COUNCIL AGENDA ITEM	
TO:	Mike Staffopoulos, City Manager
FROM:	Heather Ireland, Planning and Development Director
DATE:	April 13, 2026
SUBJECT:	Land Development Code First Annual Report and Operational Impacts

**BACKGROUND**

At the passage of the new Land Development Code (LDC) in 2025, it was discussed and stressed by staff that the code should be reviewed on a regular basis for changes that may be needed to bring the code into alignment with new state laws, changes in development patterns or conditions, to embrace changes in technology, and generally to correct or update any sections that were discovered to have conflicts or inconsistencies.

Per Section 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.*

And Section 34-461 - Planning and development director or designee:

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*(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:*

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*(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;*

After a year of working with the new LDC, planning staff have identified a number of areas where clarification was needed, definitions were missing or vague, there were inconsistencies internally between one section of the code to another, or to correct scribes' errors found in the process of administering the code. Attached is a summary of all the changes, extracted from the code in totality, and presented chapter by chapter as strikethrough and underlined text. Stricken text represents a removal, underlined text represents an addition. There are a few elements that are included, which are based on comments and concerns raised by other departments, input from the various boards that help administer the code, and concerns raised by discussions with Council. A few of these elements are highlighted to serve as examples of the types of changes proposed. This list should not be considered exhaustive as the complete proposed changes are contained in the attachment.

AGENDA ITEM:	C.
MEETING DATE:	April 13, 2026

Definitions:

1. There have been a number of additions to the definitions section based on a number of references throughout the code that were simply omitted from the definitions section. These include items such as definitions of various restaurant types, which were referenced in the parking standards, but no definitions were included in the update to the code.
2. Some definitions have been changed, added to, or enhanced to provide more clarity as they relate to specific uses, or to differentiate different uses. Convenience stores and Smoke Shops are a prime example, as these two uses are not clearly defined as separate, but is necessary to differentiate one use from another.

Clarification of various codes where there was confusion or the code was silent to a specific concern.

1. How the various boards handle a tie vote in cases where a quasi-judicial action is taken.
2. What standards historic homes are held to for renovation, and how they are treated as conforming or nonconforming structures.
3. Addressing unique parking standards for various classifications of restaurants. These were called out as different standards, but the same requirement was applied to all, which was not the intent when drafted.

Changes suggested by Staff, Boards or Council.

1. Clarification on the storage of boats and maximums of stored vehicles on residential property
2. Requiring notification by prospective STVR applicants to surrounding property owners, an idea used by many other communities.
3. Several tree species were removed as the state has now classified them as invasive.
4. Changing message signs and the duration of their change. Currently, it is once per 24 hours, but this has adversely affected the City's own signage, and staff is of the opinion there is a middle ground between once per day and something shorter.

Clear scrivener's errors

1. The City previously defined a "shopping center" for the purposes of parking standards as "three (3) or more" uses, but was accidentally changed to four (4) or more uses when the code was adopted.
2. No reference to previous calculations for wood decks based on design. Although the department has been regulating this the same way for years, it was the intent that this would have been added to the code in the same way previous pavers were added.

These proposed changes represent the concepts that staff has vetted and felt were necessary to



make the new LDC more useful, easier to understand, remove uncertainty, and address issues that were not anticipated at the time of adoption.

FINANCIAL IMPACT

REQUESTED ACTION

Land Development Code First Annual Report and Operational Impacts

ATTACHMENTS

1. Draft Proposed LDC updates

## ARTICLE III. – DEFINITIONS

### Sec. 34-300. -General

*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. This use includes bars and liquor stores but not package stores that do not sell liquor.

~~*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.~~

*Convenience store* means any establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies. These may include the sale of packaged beer and wine as well as tobacco, vapes or other traditional smoking products, but which are not the primary products sold, Convenience stores may or may not be in association with fuel sales.

*Smoke shop* means any place of business or commercial establishment which has more than 200 square feet of space dedicated to retail that specializes in products and accessories related to smoking. Smoke Shops refer to, but are not limited to, the sale of tobacco or different smokable herbs, vaping fluids, tobacco products, water bongs, pipes, collectible glass smoking devices, herb grinders, rolling papers, dab rigs, vaporizers and vaping accessories, stash jars, and storage necessities and lighters, matches, and hemp wick. This does not include unfiltered cigars, or shops exclusively dedicated to the sale and smoking of unfiltered cigars and accessories for such products.

*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 single-family houses as long as they are not divided into more than one housing unit per lot, 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

Draft review and update: April 2026

floor to the roof to separate the units. For attached dwellings – townhouses, the lot width shall be the same from the front lot line to the rear lot line, the entire length of the property.

Flag means a rectangular piece of fabric that features a distinctive design, serving as a symbol for a nation, state or other federal or state organizations, a means of signaling, or personal expression. Flags represent national, state or organizational identity, and they are often displayed during significant events and holidays.

*Impervious surface ratio (ISR)* shall mean a measurement of 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. New or existing wood decking elevated two (2) or more inches above the ground and with a ¼ inch gap between deck boards 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.

Advertising Flag means any device intended to catch the wind or be moved by the wind, for the intent of attracting attention to a business or commercial site. This may include devices such as, but not limited to, strait flags, edge flags, feather flags, pennant flags, flutter flags or any other form of flag that is not a flag of personal expression or related to a government, state or organization for non-commercial purposes.

*Kitchen means* any room or space larger than 80 square feet, dedicated for the use as or intended and designed to be used for cooking or the preparation of food. The installation of a cooking appliance any full-sized appliances, with a large quantity of storage cabinets and counterspace 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 means* a compact, limited-cooking area under 80 sq ft, with basic appliances like a mini-fridge, microwave, and small sink, and limited counter space and storage cabinets, and does not include a full sized kitchen sink, a full stove or oven or a full sized regenerator and freezer combination or stand alone refrigerator or freezer. The addition of a kitchenette does not constitute a separate dwelling unit.

*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. In the case of townhomes, the lot width shall be consistent from the front property line to the rear property line, for the entire length of the lot.

Mixed Use Project means a development or redevelopment project containing a mix of compatible commercial and residential uses intended to support diversity in housing, walkable communities, the need for less a automobile travel and a more efficient use of 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. A package store sells beer and wine, packaged for sale as the primary retail product and does not include hard liquor sales. A convenience store that sells packaged beer and wine in addition to other retail and food items is not considered a package store.

Physical Fitness Facility means an indoor or outdoor establishment dedicated to exercise, physical training, and health-related activities. These facilities, ranging from commercial gyms to recreational activities centered on active movement and health, provide equipment, spaces, and programs aimed at enhancing cardiovascular endurance, muscular strength, flexibility, and overall well-being

Restaurant, Fine Dining means a sit-down, full-service establishment offering high-quality, specialized cuisine with specific ambiance, service standards, and often, alcohol service. This includes tableside service by wait-staff, with a higher per-patron to employee ratio

Restaurant, Fast-Casual means is a restaurant that does not offer full table service, but advertises higher quality food than fast-food restaurants. It is an intermediate concept between fast food and casual dining with a lower per-patron to employee ration than fine dining, but possibly less than a drive-thru restaurant. Fast Casual includes food service establishments such as coffee shops, ice cream stores, etc. where full tableside service is not provided, but also does not include a drive-thru option.

Restaurant, Drive-thru means a food service establishment that allows customers to order, pay for, and pick up meals without leaving their vehicles. Utilizing a dedicated lane, a speaker system, and a service window, this model maximizes convenience and speed, catering primarily to customers seeking quick-service, takeaway, or fast food

Draft review and update: April 2026

*Shopping center* means a group of ~~four (4)~~ three (3) 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.

## ARTICLE IV. - DECISION MAKING AND ADMINISTRATIVE BODIES

### DIVISION 3. - PLANNING COMMISSION

#### **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. 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. 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)*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 planning commission meeting. The planning and development staff to the commission shall notify all members of the date of the continued public hearing and also shall notify all parties.

(c)*Tie vote.* In the event of a tie vote on a quasi judicial matter before the commission, due to an even number of voting members, the issue shall be deferred to the next held meeting where the item will be reheard and voted on again until a definitive outcome is reached.

~~(c)~~(d)*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.

~~(d)~~(e)Notice. Public hearings shall be set for a time certain after due public notice.

### DIVISION 4. - BOARD OF ADJUSTMENT

#### **Sec. 34-448. - 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.

Draft review and update: April 2026

(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)*Tie vote*. In the event of a tie vote on a quasi judicial matter before the board, due to an even number of voting members, the issue shall be deferred to the next held meeting where the item will be reheard and voted on again until a definitive outcome is reached.

~~(e)~~(d) *Open to public*. All meetings and public hearings of the board of adjustment shall be open to the public.

~~(d)~~(e) *Notice*. Public hearings shall be set for a time certain after due public notice.

## ARTICLE V. - DEVELOPMENT REVIEW PROCEDURES

### DIVISION 1. - GENERAL APPLICABILITY

- **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 application 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.

(3) by mutual agreement between the City and the applicant as a method of resolution of a legal filing, in lieu of structured mediation or formal court proceedings. A rehearing will not constitute a *de novo* hearing and does not limit the applicant's further rights under state law for other legal actions unless mutually agreed upon.

### DIVISION 5. – VARIANCES

**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.

Draft review and update: April 2026

Variations shall not be granted to permit a use not generally allowed in the zoning district in which it is located.

Variations may not be requested for relief from:

(a)Maximum building height

(b)Residential density

(c)Minimum lot area requirements, including lot area and width

(d)Maximum sign dimensional standards

**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~~. Section 34-593 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.

## ARTICLE VI. - ZONING DISTRICTS

### DIVISION 2. - ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS

#### **Sec. 34-615. - Residential, multi-family: RM-2**

(e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RM-2 zoning district.

(4) Existing historic single-family.

a. Minimum lot area: Three thousand five hundred (3,500) square feet.

b. Minimum lot width: Thirty (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.

~~(4)~~ (5) *Public and private parks, playgrounds and recreational facilities.* There are no minimum dimensional standards for public and private parks, playgrounds and recreational facilities.

**Sec. 34-617. - Commercial limited: C-1**

(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.

(29) Existing historic single-family dwellings or dwellings originally constructed for use as a single-family dwelling. (Per RM-2-dimensional standards for existing historic single-family.)

(30) Mixed-Used projects meeting the definition of Mixed-Use per Sec. 34-300

(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.

(14) Townhouse dwelling (per RM-1 dimensional standards) and multi-family dwellings, per [section 34-614](#) residential, multi-family: RM-1, and that for properties located east of 3rd Street, the minimum lot size and density for multi-family dwellings shall be determined in accordance with paragraph (e)(3)a. of [section 34-615](#). This conditional use does not apply to mixed-use projects meeting the definition of mixed-use as outlined in Chapter 34-300.

**Sec. 34-623. - Central business district: CBD**

(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.

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.

Table 34-623.1

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
<u>Boardwalk / Ocean Boulevard, between Beach Boulevard and 7<sup>th</sup> Avenue North</u>	<u>Pedestrian Oriented</u>

## ARTICLE VII. - SITE DEVELOPMENT STANDARDS

### DIVISION 1. - PARKING AND LOADING STANDARDS

#### **Sec. 34-702. - Design standards.**

(h) all access to any required or optional parking, whether residential or commercial, shall be accessed off a paved right-of-way. If the right of way is unimproved, the right of way must be improved and paved to acceptable standards as defined in Sec. 28-10 of the municipal code, and the design must be reviewed and accepted by public works prior to any approvals for use as parking. This includes:

(1) All commercial or multifamily vehicle use areas / parking lots.

(2) Any residential parking area, such as:

\_\_\_\_\_ a. primary driveways

\_\_\_\_\_ b. Secondary access to rear yard parking

\_\_\_\_\_ c. The parking of any RV, Boat or other vehicle or trailer.

d. Upon the application for building permit for a detached garage without improved access.

#### **Sec. 34-706. - Off-street parking space requirements.**

*Table 34-706.1. Parking Space Requirements*

<b>Commercial Uses</b> See <a href="#">Sec. 34-707</a> 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.	<u>2.5</u> 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.
<u>General Restaurants</u>	1 space per one hundred (100) sq. ft. of floor area.
<u>Drive-Thru Restaurants</u>	1 space per one hundred (100) sq. ft. of floor area. <u>Drive-thru car stacking considered parking</u>
Fast Casual Restaurant	1 space per <del>one</del> <u>two</u> hundred ( <del>100</del> <u>200</u> ) sq. ft. of floor area.
<u>Coffee shop / Café/ Snack Shop</u>	<u>1 space per three hundred (300) sq. ft. of floor area.</u>
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.

**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). Although maximum credits are noted in the table below, nothing in this section would limit a commercial use from using pervious materials for the entirety of the parking area, except for any required ADA compliant spaces, it must be demonstrated the proposed pervious product meets the requirements for ADA parking design standards as outlined in the Florida Building Code.

**Sec. 34-709 - Payment in lieu of off-street parking.[do we like this?**

(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.*

(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

## DIVISION 2. - SUPPLEMENTAL STANDARDS

### **Sec. 34-716. - Accessory uses and structures.**

(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.

(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.~~ Whether attached to or detached from the principal structure, however, any screen enclosure shall not exceed 35 feet in height. The screen enclosure shall meet the side setback requirements applicable to the primary structure for all zoning district.

### **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 trailers.

(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) (1)Any boat which measures in excess of twenty (20) feet in length.~~

~~(3) (2)Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length).~~

~~(4) (3)Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers regardless of length.~~

~~(5) (4)Any semi-trailer truck or cab.~~

~~(6) (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.~~

(c) *On any residentially zoned property or residentially used property in an RD or PUD district. The maximum number of boats shall be no more than two (2) per residential property.* 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.

**Sec. 34-731. - Short-term vacation rentals.**

(a)-(d) unchanged.

(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.

(f) notification of surrounding properties for each property or unit to be rented as a short-term vacation rental as defined in this section, the owner is responsible for notifying certain property owners within a defined area of the intent to rent the house or unit. This will be applicable for the initial application or any subsequent change of ownership. Copies of these letters shall be provided as part of the application process to the City.

(1) For single family homes, the following neighboring properties must be notified by mail:

- (a) properties within 100 feet of the subject parcel
- (b) properties immediately across and diagonally across the road on which the property fronts
- (c) any properties located immediately across any opened or unopened alley.

(2) For multi-family units located in an apartment or condo structure:

- (a) any other units located on the same floor as the unit proposed for short-term rental use.

(2) Notices must use the template approved by the Planning Director.

(f)-(k) renumbered to (g)-(l), otherwise unchanged.

## DIVISION 3. - SITE CLEARING AND LANDSCAPE STANDARDS

### Sec. 34-745. - Landscape standards.

(d) Tree and landscape material standards.

(2) *Tree and plant species list.* A list of suitable tree species is contained in the table below.

*Table 34-745.1*

<b>Tree</b>	<b>Type</b>	<b>Salt Tolerance</b>	<b>Native</b>
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

<b>Tree</b>	<b>Type</b>	<b>Salt Tolerance</b>	<b>Native</b>
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
<del>Norfolk Island Pine</del>	<del>Non-Shade</del>	<del>High</del>	<del>No</del>
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

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<b>Tree</b>	<b>Type</b>	<b>Salt Tolerance</b>	<b>Native</b>
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

## DIVISION 4. - SIGN STANDARDS

### **Sec. 34-754. - Prohibited signs.**

#### (b) Advertising flags

c-ee renumbered.

### **Sec. 34-755. - General provisions for signs.**

#### *(c) Sign illumination for temporary signs and permanent signs.*

#### (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.

c. Exposed Neon used for building accents or other architectural features that are not associated with a sign, and do not constitute advertising are not included in this section. All neon accent light must adhere to all other requirements for lighting in any portion of the Municipal Code or the Florida Building Code

#### *(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 (1) principal structure, one (1) 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 (3) 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 (2) 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.

(4) This section does not apply to advertising flags, as defined in Sec. 34-300.

(cc) Under *Canopy signs*.

(1) For each business located in a multi-tenant commercial structure or shopping center with an arcade or canopy adjacent to the main entrance of the business, one (1) under canopy sign is allowed. The sign shall be located within the linear footprint of the business front façade. 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 sixty (60) seconds. every twenty-four (24) hours. Changeable copy signs may be internally illuminated.

**Sec. 34-760. - Nonconforming signs.**

(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, if any portion of the sign or sign structure is removed or damaged beyond repair or if the sign is deemed unsafe by the building official.

(4) Any nonconforming pole sign shall be replaced when there is a change of use or tenant.

(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) Any sign or sign structure that is damaged beyond repair or removed, shall be deemed discontinued, regardless of the timeframe or total value of the sign or the replacement cost.

~~(2)~~ ~~(3)~~ A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

~~(3)~~ ~~(4)~~ 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.

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~~(4)~~ (5) 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, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.