

**CITY COUNCIL RESEARCH DIVISION**  
**LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2014-0134

**Sponsor(s):** Land Use and Zoning Committee

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** LUZ

**Date of Analysis:** February 20, 2014

**Type of Action:** Approval of Text Amendment

**Bill Summary:** This bill approves the proposed 2013L Series text amendment to the Future Land Use Element of the 2030 Comprehensive Plan updating Future Land Use Element Map L-4, 100 year Flood Hazard Area, Flood Zones Map in accordance with FEMA Maps, for transmittal to Florida's various required State Agencies for review.

**Background Information:** The Planning and Development Department has initiated certain revisions and modifications to the text of the 2030 Comprehensive Plan in accordance with the procedures and requirements set forth in Chapter 650, Part 4, Ordinance Code to facilitate the appropriate and timely implementation of the plan. Additionally, PDP has provided the necessary supporting data and analysis to support and justify the amendments determined to be required and accordingly has proposed certain revisions and modifications.

**Impact Area:** Planning and Development Department

**Fiscal Impact:** Undetermined

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2014-0135

**Sponsor(s):** Land Use and Zoning Committee

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** LUZ

**Date of Analysis:** February 20, 2014

**Type of Action:** Approval of Text Amendment

**Bill Summary:** This bill approves the proposed 2013L Series text amendment to the Future Land Use Element and Conservation/Coastal Management Element of the 2030 Comprehensive Plan updating Future Land Use Element Map L-9, and Conservation/Coastal Management Element Map C-18, CHHA and Hurricane Evacuation Zones Map in accordance with the 2013 Regional Evacuation Study, Northeast Florida Region, for transmittal to Florida's various required State Agencies for review.

**Background Information:** The Planning and Development Department has initiated certain revisions and modifications to the text of the 2030 Comprehensive Plan in accordance with the procedures and requirements set forth in Chapter 650, Part 4, Ordinance Code to facilitate the appropriate and timely implementation of the plan. Additionally, PDP has provided the necessary supporting data and analysis to support and justify the amendments determined to be required and accordingly has proposed certain revisions and modifications.

**Impact Area:** Planning and Development Department

**Fiscal Impact:** Undetermined

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2014-146

**Introducer/Sponsor(s):** LUZ Committee

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** LUZ

**Date of Analysis:** February 27, 2014

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends the Zoning Code in Part 16 – Definitions – to revise and clarify the definition of a “through lot” by providing that such a lot with a single family dwelling shall be classified as a corner or interior lot if it has no driveway access to a roadway classified as a collector road or higher and that the single family dwelling faces and has driveway access only on a local road.

**Background Information:** A “through lot” is a non-corner lot that has frontage on more than one street. The frontage on multiple streets creates multiple front yards and therefore problems with regulations of such features as fencing and accessory structures (pools, sheds, etc.) that are restricted as to where they can be located in relation to a front yard. This bill provides that if the house on the lot faces a local street and is not accessible from the side facing a non-local street (collector or arterial), then the lot shall be considered an interior lot or a corner lot for purposes of applying zoning regulations.

**Policy Impact Area:** Zoning code

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2014-0147

**Sponsor(s):** Council Member Holt

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** LUZ

**Date of Analysis:** February 20, 2014

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends Chapter 656, Ordinance Code, Part 3, Schedule of District Regulations to create new Subpart Q: Black Hammock Island Overlay, Section 656.399.50 adopting a Black Hammock Island Zoning Overlay concerning the height of front yard fences on Black Hammock Island in the generally area west of the Atlantic Ocean, South of Nassau County Line, east of Cedar Point Road; providing for adoption of overlay map and publication of approved map and ordinance.

**Background Information:** The Black Hammock Island remained rich, unique and essentially undisturbed for several hundred years until the 1970s when families began to inhabit the island. In 1991, the City, through a state mandated comprehensive planning process set forth in Chapter 163, Florida Statute, adopted the 1990 Comprehensive Plan and approved corresponding, complimentary zoning districts in the Zoning Code which amends the Open Rural zoning district to the current zoning district known as Rural Residential Rural. Many residents constructed fences in and along their front yard boundaries for safety and security. Construction of these fences was done when the zoning district was Open Rural that did not have a height restriction.

The front yard fence dimensions are up to six (6) feet in height and not more than 50% opacity which meet the limited confines of Black Hammock which maintains the local character and historical integrity of the area without compromising the quality of life and aesthetic appeal of the area.

**Impact Area:** Ordinance Code, Planning and Zoning

**Fiscal Impact:** Undetermined

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2014-0148

**Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R, F

**Date of Analysis:** February 20, 2014

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends Chapter 33, Ordinance Code, Part 1, Section 33.103 (Agreements for Volunteer Workers Authorized) to allow for longer terms for Volunteer Services agreements; amending Chapter 33, Ordinance Code, Part 1. (Department Established) to create a new Section 33.104 (Agreements with Colleges, Universities, and Vocational Training Schools for Student Workers (paid or unpaid) authorized) so as to allow the City to enter into agreements with schools for student workers.

**Background Information:** Section 33.103 currently has a term limit of no more than one year's duration and the request extends term to three years. Additionally, in Section 33.103 (b) the word "supplied" is changed to "recommended".

The new Section 33.104 allows for the City to establish agreements with a college, university, or vocational training school to provide student workers (such as interns or co-ops).

**Impact Area:** Ordinance Code, Employee Services

**Fiscal Impact:** Undetermined

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2014-0149

**Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R, F

**Date of Analysis:** February 20, 2014

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends Chapter 116, Ordinance Code, Part 15, Section 116.1501 (Definitions) and Section 116.1502 (Limitations on Employment and use of "Temporary" Employees) so as to change the maximum number of hours per week that part-time employees can work.

**Background Information:** The Affordable Health Care Act allows employees who work fewer than 30 hours per week on average to be considered part-time employees and exempt employers from having to provide health insurance to such employees. The change in the part-time cap in the Code from 25 to 29 hours per week allows the City to comply with the Act and provide the City more flexibility in managing a part-time workforce. Additionally, the Act requires changing the language for seasonal employees.

**Impact Area:** Ordinance Code, Employee Services

**Fiscal Impact:** Undetermined

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2014-150

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** PHS: F

**Date of Analysis:** February 28, 2014

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates, in accordance with Section 932.7055, Florida Statutes, \$50,000 from the Special Law enforcement Trust Fund in order to provide funding for Operation Homeward Bound, as initiated by B.T. 14-033; it provides for a carryover of funds into Fiscal Year 2014-2015.

**Background Information:** the Homeward Bound Project provides funds to individuals who are stranded in Jacksonville to return to their hometown. Often indigent, homeless individuals are sent to Jacksonville. Once here, these individuals have neither shelter nor prospects of work. The Homeward Bound Project provides the individuals with a bus ticket to return to their hometown.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates \$50,000.00.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2014-151

**Introducer/Sponsor(s):** Council Member Brown

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R, F

**Date of Analysis:** February 27, 2014

**Type of Action:** Authorization of straw ballot referendum; emergency action request

**Bill Summary:** The bill authorizes and directs the Supervisor of Elections to place a straw ballot referendum on the November 4, 2014 general election ballot to ask the voters to express an opinion as to whether the Ordinance Code should be amended to require that all City employees, appointees, employees of independent agencies (excluding the School Board) and employees of constitutional officers must reside within the boundaries of Duval County during the term of their employment or appointment. The bill requests one cycle emergency action.

**Background Information:** The City has implemented and subsequently revoked a residency requirement in the past. A residency requirement was adopted in 1978, repealed in 1987, readopted with certain exceptions in 2006, then amended to include all employees in 2011. Two exceptions were adopted in 2013 to cover the re-hiring of certain JSO officers who had been laid off due to budget cuts and to exempt employees of the General Counsel's Office due to the difficulty of finding attorneys with the desired levels of experience and knowledge in certain practice areas who lived in Jacksonville rather than in adjoining counties. Pending Ordinance 2014-2 would repeal the current residency requirement.

**Policy Impact Area:** City employee residency

**Fiscal Impact:** Undetermined

**Analyst:** Clements



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**Bill Type and Number:** Ordinance 2014-152

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** TEU; RCD

**Date of Analysis:** February 28, 2014

**Type of Action:** Authorization for Sale of Surplus Property

**Bill Summary:** The ordinance declares that certain parcel of real property (R.E. Number 154308-0000) located at 3542 Bowden Circle East, in Council District 4, to be surplus to the needs of the City; it authorizes its sale; authorizes the Mayor and the Corporation Secretary to execute any and all documents necessary for such sale in accordance with the provisions of Chapter 122, Part 4, Subpart B, *Ordinance Code*.

**Background Information:** The Subject Parcel is a tax-reverted 75 foot by 135 foot vacant residential lot that reverted to the City on October 11, 2013. The surrounding neighborhood consists mainly of manufactured homes. The parcel is assessed at \$37,125.00. The Real Estate Division conducted the investigation of "need" as required by Section 122.422, *Ordinance Code* and has determined that no "need" exists for the subject real property by the City or any Independent Agency.

**Policy Impact:** Public Works/Real Estate

**Fiscal Impact:** The assessed value of the subject parcel is \$37,125.00.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2014-153

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R, F, RCD

**Date of Analysis:** February 27, 2014

**Type of Action:** Authorizing assignment of previous economic development agreement

**Bill Summary:** The bill authorizes execution of a “collateral assignment of economic development agreement” by which the City allows EverBank to assume all rights, duties and obligations of Parador Partners, LLC in relation to the construction of a parking garage downtown on Hogan Street in the event that Parador should default under the loan conditions. The collateral assignment waives the application of the clawback provisions of the economic development agreement should EverBank assume Parador’s obligations under the agreement and/or if EverBank should subsequently convey the property to a third party.

**Background Information:** In 2011 the City entered in to an economic development agreement with Parador Partners to construct a 500-space parking garage on Hogan Street between Bay and Water Streets for use by tenants of the SunTrust Building (which Parador owns) and by downtown retail customers. The City agreed to appropriate \$3,507,226 from a Public Works Capital Projects account (where it was allocated to Metropolitan Park improvements) to a JEDC Capital Projects account to provide funding for the grant to Parador as a means of satisfying its previous obligation to the owners of the Jacksonville Landing to provide 300 weekday and 375 night and weekend parking spaces in the immediate proximity of the Landing. No City funding passes to Parador for the project until the garage is constructed and operated for 1 year. This bill provides that in the event of a default by Parador, EverBank, the construction lender for the project, can assume responsibility for the completion of construction and can obtain the City’s \$3.5 million grant due upon project completion.

**Policy Impact Area:** Downtown economic development

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2014-154

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** TEU; F

**Date of Analysis:** February 28, 2014

**Type of Action:** Amended Agreement Authorization

**Bill Summary:** The ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver on behalf of the City Amendment Number 2 to Chilled Water Agreement between JEA and the City of Jacksonville (COJ Contract No. 7670-6).

**Background Information:** On August 5, 2002, JEA and the City entered into a Chilled Water Service Agreement (the "Agreement") under which JEA agreed to operate and maintain a district energy system in the City (the "system") in order to provide coupled chilled water service to various customers. On May 10, 2006, the parties amended the agreement by Amendment Number 1. The former federal courthouse located at 311 West Monroe Street that is currently being renovated to house the State's Attorney's Offices is owned by the City. Only a portion of the renovation project property was originally within the courthouse facilities of the Agreement. This site was inadvertently left out of the original legislation. Inclusion of the renovated federal courthouse in the Chilled Water Service Agreement will not result in rate changes or modifications.

**Policy Impact:** Public Works

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2014-155

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R

**Date of Analysis:** February 24, 2014

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Christopher Gerard Rose, to the Public Service Grant Council, for a term ending December 31, 2016.

**Background Information:** The Public Service Grant Council is established pursuant to Chapter 118, *Ordinance Code*, and charged with the review and evaluation of all Public Service Grant applications and responsibility for making funding recommendations to the Mayor and City Council for Public Service Grants. Ordinance 2013-116-E, effective March 12, 2013, expanded the membership of the panel from 7 to 13 members, including three additional members appointed by the Mayor and confirmed by City Council.

Mr. Rose received a master's degree in public administration from North Carolina State University and is a Principal with *Deloitte Consulting, LLP*. He resides in the Empire Point area within Council District #4.

**Policy Impact Area:** Public Service Grant Council operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Merritt

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**Bill Type and Number:** Resolution 2014-156

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R

**Date of Analysis:** February 24, 2014

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Andrew Patrick Russell, to the Public Service Grant Council, for a term ending December 31, 2016.

**Background Information:** The Public Service Grant Council is established pursuant to Chapter 118, *Ordinance Code*, and charged with the review and evaluation of all Public Service Grant applications and responsibility for making funding recommendations to the Mayor and City Council for Public Service Grants. Ordinance 2013-116-E, effective March 12, 2013, expanded the membership of the panel from 7 to 13 members, including three additional members appointed by the Mayor and confirmed by City Council.

Mr. Russell received a master's degree from Troy State University and is a Senior Vice President with *BBVA Compass Bank*. He resides in the Girvin area within Council District #3.

**Policy Impact Area:** Public Service Grant Council operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Merritt

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**Bill Type and Number:** Ordinance 2014-164

**Introducer/Sponsor(s):** Council President at the request of

**Date of Introduction:** February 25, 2014

**Committee(s) of Reference:** R. LUZ

**Date of Analysis:** February 27, 2014

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapters 151 – Dancing Entertainment Establishment Code – and 656 – Zoning Code – to revise the definition of a “dancing entertainment establishment” and to add new definitions. The revised definition of “dancing entertainment establishment” is amended to add more specificity requiring the dancers to be wearing sexually provocative attire and dancing erotically during the establishment’s hours of operation, and specifically excluding nightclubs and restaurants where dancing entertainment establishment activities do not occur and any establishment defined or regulated by Chapter 150 – Adult Entertainment and Services Code – from the definition. The “whereas” clauses of the bill state Council’s intention to adopt and incorporate the evidence, studies and testimony set forth in specific judicial opinions as demonstrations of the need for the ordinance and justification for the regulations.

**Background Information:** A recent ruling by a U.S. District Court judge in the case of *Albanese Enterprises, Inc., v. City of Jacksonville* found that the City’s ordinance was insufficiently explicit in regard to the definition of “dancing entertainment establishment” by virtue of lacking specificity about the type of dance being regulated, the dancers’ attire and the regularity with which the establishment features such dancers. This bill is introduced to add the degree of specificity required by the court to make the City’s ordinance enforceable.

**Policy Impact Area:** Regulation of erotic dancing establishments

**Fiscal Impact:** Undetermined

**Analyst:** Clements