

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2015-100

AN ORDINANCE REGULATING CAR WASH FACILITIES IN CERTAIN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMENDING CHAPTER 656 (ZONING CODE), PART 1 (GENERAL PROVISIONS), SUBPART B (ADMINISTRATION), SECTION 656.110 (ENFORCEMENT) TO ADD A NEW SUBSECTION H TO PROVIDE FOR GRANDFATHERING; PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART C (COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS), SECTION 656.313 (COMMUNITY/GENERAL COMMERCIAL CATEGORY), *ORDINANCE CODE* TO ADD AUTOMATED CAR WASH FACILITIES AND MOBILE CAR DETAILING SERVICES AS A PERMITTED USE AND MANUAL CAR WASH FACILITIES AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST OF USES IN THE CCG-1 ZONING DISTRICT; TO DELETE CAR WASH BY EXCEPTION FROM THE LIST OF USES IN THE CCG-1 ZONING DISTRICT; TO ADD AUTOMATED CAR WASH FACILITIES, AUTO LAUNDRY FACILITIES AND MOBILE CAR DETAILING SERVICES AS PERMITTED USES AND MANUAL CAR WASH FACILITIES AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST OF USES IN THE CCG-2 ZONING DISTRICT; TO DELETE CAR WASH FROM THE LIST OF USES IN THE CCG-2 ZONING DISTRICT; AMENDING SUBPART D (INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS), SECTION 656.322 (LIGHT INDUSTRIAL CATEGORY), *ORDINANCE CODE* TO ADD AUTOMATED CAR WASH FACILITIES, AUTO LAUNDRY FACILITIES AND MOBILE CAR DETAILING AS PERMITTED USES AND MANUAL CAR WASH FACILITIES AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST OF USES IN THE IL ZONING DISTRICT; TO DELETE CAR WASH FROM THE LIST OF USES IN THE IL ZONING DISTRICT; AMENDING SECTION 656.323 (HEAVY INDUSTRIAL CATEGORY), *ORDINANCE CODE* TO ADD AUTOMATED CAR WASH FACILITIES, AUTO LAUNDRY FACILITIES AND MOBILE CAR DETAILING AS PERMITTED USES AND MANUAL CAR WASH FACILITIES AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST OF USES IN THE IH ZONING DISTRICT; AND AMENDING PART 16 (DEFINITIONS), SECTION 656.1601 (DEFINITIONS), *ORDINANCE CODE* TO ADD NEW DEFINITIONS FOR AUTO LAUNDRY, AUTOMATED CAR WASH, MANUAL CAR WASH AND MOBILE CAR DETAILING; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

There are various unauthorized car wash activities operating in Jacksonville which are not connected to a permanent structure or business operation, and violate environmental rules and regulations. The Special Ad Hoc Committee on Jacksonville's Neighborhood Blight seeks to eliminate any activities and conditions that contribute to blighted issues. The committee reviewed and approved the legislation on January 22, 2015 for introduction to the City Council.

II. EVALUATION

A. Summary of Bill

This bill amends the following:

- Chapter 656 (Zoning Code), Part 1 (General Provisions), Subpart B (Administration), Section 656.110 (Enforcement) to add a new subsection (h) to provide for certain uses to be grandfathered;
- Part 3 (Scheduling of District Regulations), Subpart C (commercial Use Categories and Zoning Districts), Section 656.313 (Community/General Commercial Category) to add a new subsection (24) to add automated car wash facilities and mobile car detailing services as a permitted use and manual car wash facilities as a permissible use by exception to the list of uses in the CCG-1 Zoning District; exception from the list of uses in the CCG-1 Zoning District;
- To add automated car wash facilities, auto laundry facilities and mobile car detailing services as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the CCG-2 Zoning District; to delete car wash from the list of uses in the CCG-2 Zoning District;
- Subpart D (Industrial Use Categories and Zoning Districts), Section 656.322 (Light Industrial Category), *Ordinance Code* to add automated car wash facilities, uses in the IL Zoning District; and adds auto laundry facilities and mobile car detailing as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the IL Zoning District;
- Section 656.323 (Heavy Industrial Category), *Ordinance Code* to add automated car wash facilities, auto laundry facilities and mobile car detailing as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the IH Zoning District;
- To delete car wash from the list of and amending Part 16 (Definitions), Section 656.1601 (Definitions), *Ordinance Code* to add new definitions for auto laundry, automated car wash, manual car wash and mobile car detailing

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

Eliminating or controlling activities that may lead to blight is necessary to encourage redevelopment. The intent of the 2030 Comprehensive Plan and Zoning Code is to promote land use compatibility and reduce negative influences to surrounding neighborhoods.

The 2030 Comprehensive Plan defines a Blighted Area as an area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals or welfare in its present condition and use; (1) predominance of defective or inadequate street layout; (2) faulty lot layout in relation to size, adequacy, accessibility or usefulness, (3) unsanitary or unsafe conditions; (4) deterioration of site or other improvements; (5) tax or special assessment delinquency exceeding the fair value of the land; and (6) diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

C. Consistency with the Comprehensive Plan.

This bill is consistent with the Goals, Objectives and Policies of the 2030 Comprehensive Plan including the following

FLUE Objective 2.2 Through the use of neighborhood plans and studies, the City shall continue to maintain and implement an urban revitalization strategy for the City's blighted areas, and those areas threatened by blight, which will address maintenance, improvement or replacement of existing structures, permit the transition of run-down or grossly under-utilized commercial properties to alternate uses, and support the re-emergence of diverse urban neighborhoods.

FLUE Policy 3.1.2 The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

FLUE Policy 1.1.8 Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2015-100 be **APPROVED**

1 Introduced by Council Members Anderson, Crescimbeni, Gulliford,
2 Jones, Lee and Love:



3
4 2015-100.tif

ORDINANCE 2015-100

5 AN ORDINANCE REGULATING CAR WASH FACILITIES IN
6 CERTAIN COMMERCIAL AND INDUSTRIAL ZONING
7 DISTRICTS; AMENDING CHAPTER 656 (ZONING CODE),
8 PART 1 (GENERAL PROVISIONS), SUBPART B
9 (ADMINISTRATION), SECTION 656.110 (ENFORCEMENT)
10 TO ADD A NEW SUBSECTION H TO PROVIDE FOR
11 GRANDFATHERING; PART 3 (SCHEDULE OF DISTRICT
12 REGULATIONS), SUBPART C (COMMERCIAL USE
13 CATEGORIES AND ZONING DISTRICTS), SECTION
14 656.313 (COMMUNITY/GENERAL COMMERCIAL
15 CATEGORY), ORDINANCE CODE TO ADD AUTOMATED CAR
16 WASH FACILITIES AND MOBILE CAR DETAILING
17 SERVICES AS A PERMITTED USE AND MANUAL CAR
18 WASH FACILITIES AS A PERMISSIBLE USE BY
19 EXCEPTION TO THE LIST OF USES IN THE CCG-1
20 ZONING DISTRICT; TO DELETE CAR WASH BY
21 EXCEPTION FROM THE LIST OF USES IN THE CCG-1
22 ZONING DISTRICT; TO ADD AUTOMATED CAR WASH
23 FACILITIES, AUTO LAUNDRY FACILITIES AND MOBILE
24 CAR DETAILING SERVICES AS PERMITTED USES AND
25 MANUAL CAR WASH FACILITIES AS A PERMISSIBLE
26 USE BY EXCEPTION TO THE LIST OF USES IN THE
27 CCG-2 ZONING DISTRICT; TO DELETE CAR WASH FROM
28 THE LIST OF USES IN THE CCG-2 ZONING DISTRICT;
29 AMENDING SUBPART D (INDUSTRIAL USE CATEGORIES
30 AND ZONING DISTRICTS), SECTION 656.322 (LIGHT
31 INDUSTRIAL CATEGORY), ORDINANCE CODE TO ADD

1 AUTOMATED CAR WASH FACILITIES, AUTO LAUNDRY
2 FACILITIES AND MOBILE CAR DETAILING AS
3 PERMITTED USES AND MANUAL CAR WASH FACILITIES
4 AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST
5 OF USES IN THE IL ZONING DISTRICT; TO DELETE
6 CAR WASH FROM THE LIST OF USES IN THE IL
7 ZONING DISTRICT; AMENDING SECTION 656.323
8 (HEAVY INDUSTRIAL CATEGORY), ORDINANCE CODE TO
9 ADD AUTOMATED CAR WASH FACILITIES, AUTO
10 LAUNDRY FACILITIES AND MOBILE CAR DETAILING AS
11 PERMITTED USES AND MANUAL CAR WASH FACILITIES
12 AS A PERMISSIBLE USE BY EXCEPTION TO THE LIST
13 OF USES IN THE IH ZONING DISTRICT; AND
14 AMENDING PART 16 (DEFINITIONS), SECTION
15 656.1601 (DEFINITIONS), *ORDINANCE CODE* TO ADD
16 NEW DEFINITIONS FOR AUTO LAUNDRY, AUTOMATED
17 CAR WASH, MANUAL CAR WASH AND MOBILE CAR
18 DETAILING; PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS**, numerous unauthorized car wash activities are
21 operating in Jacksonville without connection to a permanent
22 structure or business operation; and

23 **WHEREAS**, such car wash activities are occurring where
24 individuals participate in certain activities having no direct
25 connection to the car wash activities, and may contribute to blight
26 conditions in Jacksonville; and

27 **WHEREAS**, car wash facilities require compliance with
28 environmental rules and regulations for the proper elimination of
29 wastewater in order to protect the groundwaters of Duval County;
30 and

1 **WHEREAS**, the Special Ad Hoc Committee on Jacksonville's
2 Neighborhood Blight seeks to eliminate such blight conditions which
3 stem from unauthorized car wash activities by regulating car wash
4 facilities in certain commercial and industrial zoning districts;
5 and

6 **WHEREAS**, on January 22, 2015, the members of the Ad Hoc
7 Committee on Blight approved this Ordinance for introduction to the
8 Jacksonville City Council (A copy of the minutes of the January 22,
9 2015 Committee meeting is attached hereto as **Exhibit 1**); now
10 therefore

11 **BE IT ORDAINED** by the Council of the City of Jacksonville:

12 **Section 1. Chapter 656 (Zoning Code), Part 1 (General**
13 **Provisions), Subpart B (Administration) Section 656.110**
14 **(Enforcement), Ordinance Code amended.**

15 Section 656.110 (Enforcement), *Ordinance Code*, is hereby
16 amended to read as follows:

17 **Sec. 656.110. Enforcement.**

18 The provisions of this Zoning Code shall be enforced as
19 follows:

20 (a) By the Director, through the Chief of the Current
21 Planning Division, or his designee, or by the Chief of
22 the Municipal Code Compliance Division; provided,
23 however, that Parts 12 and 13 of this Chapter shall be
24 enforced through the Chief of the Building Inspection
25 Division, or his designee.

26 (b) By the Municipal Code Enforcement Board or Special
27 Magistrate pursuant to the authority granted by F.S. Ch.
28 162, Part I, and Ch. 91, Ordinance Code;

- 1 (c) By the City of Jacksonville through the prosecution of
2 violations in the name of the State of Florida pursuant
3 to F.S. § 166.0415.
- 4 (d) By the Office of General Counsel, at the request of the
5 Chief, the Director (or the Chief of the Building
6 Inspection Division for Parts 12 and 13 of this Chapter),
7 or by the Chief of the Municipal Code Compliance Division
8 or the City Council.
- 9 (e) Nothing contained herein shall be construed to abridge or
10 alter rights of action or remedies in equity, or to estop
11 any person affected by a zoning violation, in the
12 exercise of their rights in equity or under the common
13 law, from suppressing nuisances or abating zoning
14 violations.
- 15 (f) By citation for civil penalties pursuant to the authority
16 granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance
17 Code or utilizing the notice and citation procedures
18 outlined in Subpart D to Chapter 518; and
- 19 (g) By action for injunctive relief, for civil penalties, or
20 both, through a court of competent jurisdiction.
- 21 (h) Certain Uses grandfathered. Notwithstanding anything in
22 this Chapter to the contrary, those persons holding
23 approved zoning exceptions or any other form of written
24 approval from any person or entity authorized to grant
25 such approval, as determined by the Planning and
26 Development Department on a case-by-case basis, shall be
27 authorized to continue their permitted use in accordance
28 with the terms of their zoning exception or other form of
29 written approval.
- 30

1 Section 2. Amending Chapter 656 (Zoning Code), Part 3
2 (Schedule of District Regulations), Subpart C (Commercial Use
3 Categories and Zoning Districts) Section 656.313 (Community/General
4 Commercial Category), Ordinance Code amended.

5 Section 656.313 (Community/General Commercial Category),
6 Ordinance Code, is hereby amended to read as follows:

7 **Sec. 656.313. Community/General Commercial Category.**

8 * * *

9 IV. Commercial Community/General-1 (CCG-1) District.

10 * * *

11 (a) Permitted uses and structures.

12 * * *

13 (24) Mobile Car Detailing Services and automated car wash
14 facilities meeting the performance standards and
15 development criteria set forth in Part 4.

16 * * *

17 (c) Permissible uses by exception.

18 * * *

19 (7) ~~Car wash or auto laundry~~ Auto laundry or manual car
20 wash.

21 * * *

22 V. Commercial Community/General-2 (CCG-2) District.

23 * * *

24 (a) Permitted uses and structures.

25 * * *

26 (3) Service stations, truck stops, ~~car wash,~~ automated
27 car wash meeting the performance standards and
28 development criteria set forth in Part 4, auto
29 laundry, mobile car detailing services, major
30 automotive repair, car or truck rental, restaurants,

1 laundromat or dry cleaners, veterinarians, animal
2 boarding kennels meeting the performance standards
3 and development criteria set forth in Part 4, pest
4 control, carpenter or cabinet shops, home equipment
5 rentals, job printing or newspapers, radio or
6 television offices and studios, blood donor stations
7 and similar uses.

8 * * *

9 (c) Permissible uses by exception.

10 * * *

11 (14) Manual car wash.

12
13 **Section 3. Chapter 656 (Zoning Code), Part 3 (Schedule of**
14 **District Regulations), Subpart D (Industrial Use Categories and**
15 **Zoning Districts) Section 656.322 (Light Industrial Category),**
16 **Ordinance Code amended.**

17 Section 656.322 (Light Industrial Category), *Ordinance Code,*
18 is hereby amended to read as follows:

19 **Sec. 656.322. Light Industrial Category.**

20 * * *

21 II. Industrial Light (IL) District.

22 * * *

23 (a) Permitted uses and structures.

24 * * *

25 (7) Automobile service stations, major repair garages,
26 ~~ear-wash~~ mobile car detailing, auto laundry, and
27 automated car wash meeting the performance standards
28 and development criteria set forth in Part 4.

29 * * *

30 (c) Permissible uses by exception.

1 * * *

2 (9) Manual car wash.

3
4 **Sec. 656.323. Heavy Industrial Category.**

5 * * *

6 II. Industrial Heavy (IH) District.

7 * * *

8 (a) Permitted uses and structures.

9 * * *

10 (4) Automobile service stations, major repair or service
11 garages, truck stops, mobile car detailing, auto
12 laundry, and automated car washes meeting the
13 performance standards and development criteria set
14 forth in Part 4, and similar uses.

15 * * *

16 (c) Permissible uses by exception.

17 * * *

18 (4) Automobile service stations, major repair or service
19 garages, truck stops, manual car wash, and similar
20 uses.

21 * * *

22 **Section 4. Chapter 656 (Zoning Code), Part 16**
23 **(Definitions), Ordinance Code amended.**

24 Section 656.1601 (Definitions), *Ordinance Code*, is hereby
25 amended to read as follows:

26 **Sec. 656.1601. Definitions.**

27 * * *

28 *Attraction, major* means an indoor or outdoor spectator event
29 or event which includes the sale of tickets and which is held at
30 one or more of the following facilities:

- 1 (1) Jacksonville Municipal Stadium;
- 2 (2) Greater Jacksonville Fairgrounds;
- 3 (3) Jacksonville Veterans Memorial Coliseum;
- 4 (4)Metropolitan Park;
- 5 (5) Samuel W. Wolfson Baseball Park.

6 Auto Laundry means a full service or self-service automobile
7 washing facility comprised of permanent structural improvements
8 including a combination of wash bays, vacuums, engine cleaning,
9 compressed air supply, window tinting, headliner replacement,
10 upholstery cleaning and repair, and/or automobile related vending
11 machines where all wastewater is managed through a 100% closed-loop
12 recycle system, a Florida Department of Environmental Protection
13 (FDEP) permitted partial recycle system, an approved discharge to a
14 municipal sanitary sewer system with pretreatment if required by
15 the utility or is collected and containerized for transport to an
16 FDEP permitted treatment facility.

17 Automated Car Wash means a completely automated automobile
18 washing facility that is designed and operated as an accessory use
19 to a primary automobile related use or building where all
20 wastewater is managed through a 100% closed loop recycle system for
21 which the Florida Department of Environmental Protection (FDEP)
22 permit has been approved, an approved discharge to a municipal
23 sanitary sewer system with pretreatment if required by the utility,
24 or is collected and containerized for transport to an FDEP
25 permitted treatment facility.

26 * * *

27 Manual Car Wash means a commercial automobile wash facility,
28 either temporary or permanent, where vehicles are primarily washed
29 by hand by individual persons. This definition shall not apply to
30 bona fide automobile dealerships, rental car facilities or to

1 temporary one-day fundraising events by civic, religious, or non-
2 profit entities where volunteers wash vehicles by hand, and the
3 number of fundraising events does not exceed six (6) events per
4 year.

5 * * *

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

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

15 *Mobile home* means a detached single-family dwelling unit with
16 all the following characteristics:

- 17 (a) Designed for long term occupancy, and containing sleeping
18 accommodations, and plumbing and electrical connections
19 provided for attachment to outside systems;
- 20 (b) Designed for transportation after fabrication on streets
21 or highways on its own wheels; and
- 22 (c) Arriving at the site where it is to be occupied as a
23 dwelling complete, including major appliances, and ready
24 for occupancy except for minor and incidental unpacking
25 and assembly operations, located on jacks or other
26 temporary or permanent foundations, and connected to
27 utilities and the like.

28 A travel trailer is not to be considered as a mobile home.

29 * * *

30 **Section 5. Effective Date.** This ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

3

4

5

6 /s/ Cherry A. Shaw

7 Office of General Counsel

8 Legislation Prepared by: Cherry A. Shaw

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CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2015-100

Introducer/Sponsor(s): Council Members Anderson, Crescimbeni, Gulliford, Jones, Lee and Love

Date of Introduction: February 10, 2015

Committee(s) of Reference: LUZ

Date of Analysis: February 10, 2015

Type of Action: Amend Chapter 656, Part 1, *Ordinance Code*

Bill Summary: This bill amends:

- Chapter 656 (Zoning Code), Part 1 (General Provisions), Subpart B (Administration), Section 656.110 (Enforcement) to add a new subsection (h) to provide for certain uses to be grandfathered;
- Part 3 (Scheduling of District Regulations), Subpart C (commercial Use Categories and Zoning Districts), Section 656.313 (Community/General Commercial Category) to add a new subsection (24) to add automated car wash facilities and mobile car detailing services as a permitted use and manual car wash facilities as a permissible use by exception to the list of uses in the CCG-1 Zoning District; exception from the list of uses in the CCG-1 Zoning District;
- to add automated car wash facilities, auto laundry facilities and mobile car detailing services as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the CCG-2 Zoning District; to delete car wash from the list of uses in the CCG-2 Zoning District;
- subpart D (Industrial Use Categories and Zoning Districts), Section 656.322 (Light Industrial Category), *Ordinance Code* to add automated car wash facilities, uses in the IL Zoning District; and adds auto laundry facilities and mobile car detailing as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the IL Zoning District;
- Section 656.323 (Heavy Industrial Category), *Ordinance Code* to add automated car wash facilities, auto laundry facilities and mobile car detailing as permitted uses and manual car wash facilities as a permissible use by exception to the list of uses in the IH Zoning District;
- To delete car wash from the list of and amending Part 16 (Definitions), Section 656.1601 (Definitions), *Ordinance Code* to add new definitions for auto laundry, automated car wash, manual car wash and mobile car detailing

Background Information: There are various unauthorized car wash activities operating in Jacksonville which are not connected to a permanent structure or business operation, and violate environmental rules and regulations. The Special Ad Hoc Committee on Jacksonville's Neighborhood Blight seeks to eliminate any activities and conditions that contribute to blighted issues. The committee reviewed and approved the legislation on January 22, 2015 for introduction to the City Council.

Policy Impact Area: Planning and Development Department, Regulatory Compliance Department

Fiscal Impact: Undetermined

Analyst: Mitchell