

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

JANUARY 7, 2016

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 2015-834

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, PART III (SCHEDULE OF DISTRICT REGULATIONS), SUBPART M (SAN MARCO OVERLAY ZONE), SECTION 656.399.7 (OVERLAY DEVELOPMENT STANDARDS), TO AMEND YARD SETBACK REQUIREMENTS FOR RIVERFRONT LOTS AND STRUCTURE HEIGHT MEASUREMENT; AMENDING SECTION 656.399.8 (LIMITATIONS ON ADMINISTRATIVE DEVIATIONS) TO ALLOW DEVIATIONS IN CERTAIN REAR YARDS; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

This bill modifies the San Marco Zoning Overlay for riverfront lots along River Road. These lots have frontage along River Road and the St. Johns River. Under the current zoning regulations, the waterfront side of the lot is considered a front yard. When coupled with the San Marco Zoning Overlay rules stating that the building restriction lines on historical plats establish the building setback lines, homeowners with riverfront lots were left with vast amounts of land between a home and the river which could not be used for accessory uses such as pools and summer kitchens. This bill changes the river frontage from a front yard to a rear yard and places size and locations restrictions to ensure that river vistas are maintained.

II. EVALUATION

A. The need and justification for the change

This bill will relax the setback lines for property owners thus allowing them more use and enjoyment of their property.

B. Background

Please refer to the General Information section of this report.

- C. *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.*

The legislation will further the Goals, Objectives and Policies of the 2030 Comprehensive Plan by providing a reasonable balance between allowing property owners equitable development rights while protecting the rights of neighbors.

- D. *Consistency with the Comprehensive Plan.*

Ordinance 2015-834 is consistent with the Comprehensive Plan in that it promotes the goals, objectives and policies of the 2030 Comprehensive Plan, including the following:

F.L.U.E. 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.

III. RECOMMENDATION

Based upon examination of the proposed ordinance with respect to the goals, objectives and policies of the 2030 Comprehensive Plan, and the intent of the Zoning Code, the Planning and Development Department finds that Ordinance 2015-834 is consistent with the Comprehensive Plan and furthers the intent of the Zoning Code as it would accomplish a result that is in the public interest. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2015-834 be **APPROVED**.

1 Introduced by Council Member Boyer:
2

3 **ORDINANCE 2015-834**

4 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
5 CODE), *ORDINANCE CODE*, PART III (SCHEDULE OF
6 DISTRICT REGULATIONS), SUBPART M (SAN MARCO
7 OVERLAY ZONE), SECTION 656.399.7 (OVERLAY
8 DEVELOPMENT STANDARDS), TO AMEND YARD SETBACK
9 REQUIREMENTS FOR RIVERFRONT LOTS AND STRUCTURE
10 HEIGHT MEASUREMENT; AMENDING SECTION 656.399.8
11 (LIMITATIONS ON ADMINISTRATIVE DEVIATIONS) TO
12 ALLOW DEVIATIONS IN CERTAIN REAR YARDS;
13 PROVIDING AN EFFECTIVE DATE.
14

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

16 **Section 1.** Amending Section 656.399.7, *Ordinance Code* as
17 follows:

18 **CHAPTER 656. ZONING CODE**

19 * * *

20 **PART III (SCHEDULE OF DISTRICT REGULATIONS)**

21 * * *

22 **SUBPART M (SAN MARCO OVERLAY ZONE)**

23 * * *

24 **Section 656.399.7. - Overlay development standards.**

25 The design, siting and building standards, criteria and
26 limitations set forth expressly in this Subpart M with reference to
27 lots with building restriction lines, specific locations, specific
28 development types and/or specific types of structures or equipment,
29 shall supersede and prevail over any other inconsistent provisions
30 of the Zoning Code; otherwise, the standards relative to an

1 underlying zoning district and other applicable, general provisions
2 of the Zoning Code shall govern.

3 shall supersede and prevail over any other inconsistent
4 provisions of the Zoning Code; otherwise, the standards relative to
5 an underlying zoning district and other applicable, general
6 provisions of the Zoning Code shall govern.

7 (a) Building restriction line setbacks.

8 (1) Where building restriction lines are depicted on the
9 historical plats of lots listed in Figure B, such lines
10 shall constitute setback lines and determine the size of
11 each and every required, open "yard" ~~(as that term is~~
12 ~~defined in the Zoning Code)~~ for single-family, multi-family
13 and commercial development, notwithstanding the size yard
14 otherwise required pursuant to the Zoning Code. In the event
15 an existing lot contains building restriction lines on a
16 part, but not the whole, of such lot, the building
17 restriction lines shall be deemed to continue in a linear
18 and/or logical fashion to apply to the whole of the lot.

19 (2) In the event no building restriction lines are depicted
20 for a particular lot, or fail to delineate a front, rear or
21 side yard on a particular lot, the size of all required
22 yards shall be determined as may expressly be set forth
23 hereinafter, or as otherwise provided by the Zoning Code.

24 (3) The term "yard" shall be as defined in the Zoning Code,
25 with the following exceptions:

26 (i) For lots fronting on a navigable waterway, except for
27 the Riviera Plat, Figure C, Location 20, the frontage on the
28 waterway shall be deemed a rear yard, and specifically not a
29 "yard, front" as defined in Section 656.1601, Ordinance
30 Code; and

31 (ii) If a rear yard is designated in a lot's historic

1 plat, that yard shall be deemed a rear yard for zoning
2 purposes within this Overlay, unless otherwise specifically
3 stated herein.

4 (4) The term "combined" with reference to the required side yard
5 means that one side of two may be reduced, so long as the
6 total of the two side yards equals the required combined
7 amount, with the reduction limited as follows: ten-foot
8 combined, one side yard may be reduced to three (3) feet;
9 12-foot combined, one side yard may be reduced to four feet;
10 15-foot combined, one side yard may be reduced to five feet;
11 20-foot combined, one side yard may be reduced to 7.5 feet.

12 *(b) Specific location setback lines and provisions.*

13 The setback lines/required yards and other siting restrictions
14 applicable to lots located within the historical plats of lands
15 listed in Figure B, and identified and described further by
16 current street name (and applicable to any successor street name
17 thereto), are as follows:

18 (1) Replat of Block 22 and Lots 1, 2, 10-12 of Block 14 of
19 Oklahoma; Figure C, Location 19: 15-foot front yard setback
20 and a ten-foot combined side yard setback.

21 * * *

22 (11) Clarke's Replat of Block 16 of Oklahoma; Figure C,
23 Location 21: For lots located along LaSalle, Palm, Cordova
24 and Cedar, a 20-foot front yard setback shall be required
25 and a 15-foot combined side yard setback.

26 (12) San Marco; For Lots 1 through 5 of Block 1, and Lots
27 1 through 18 of Block 2, the following shall apply:

28 (i) The riverfront of such lots shall be considered the
29 rear yard.

30 (ii) Permitted Accessory structures in rear yard:

31 a. Fences not to exceed 6 feet in height,

1 however, any portion of the fence over 4 feet
2 in height shall have a maximum opacity of 30%;
3 and

4 b. Accessory structures not in excess of 4 feet
5 in height such as swimming pools, hot tubs,
6 water features, decks, barbeque and fire pits,
7 mechanical equipment, etc., as long as such
8 structures are set back from adjacent lots by
9 a minimum of 5 feet.

10 (iii) Permissible Accessory structures through
11 administrative deviation in rear yard:

12 a. One structure per lot for use as a summer
13 kitchen, cabana, non-commercial greenhouse,
14 storage shed or playhouse, with the following
15 limitations in addition to the limitations in
16 Sec. 656.399.8, Ordinance Code:

17 i. Structure not to exceed 150 square feet
18 and 15 feet in total height including all
19 roof features, as measured from the lower
20 of either the finished floor elevation
21 required to meet flood elevation
22 requirements, or the elevation of the
23 property line at the road right-of-way;
24 and

25 ii. Structure shall not obstruct the river
26 view of any adjacent lot as viewed from
27 the adjacent house, or the adjacent BRL
28 if no house exists, from an elevation of
29 five (5) feet from the finished floor
30 elevation of the lowest room on the
31 riverfront of such house.

1 iii. Landscape screening shall be reviewed
2 since the structure will likely be
3 visible from adjacent parcels

4 (iv) Prohibited Accessory structures in rear yards
5 include garages and facilities for caretakers and
6 accessory living quarters.

7 (v) Except as provided in (iii), no administrative
8 deviation from this section shall be permitted.

9 (13) Better Homes First Addition to San Marco Replat Block 100;
10 For Lots 1 through 5, the following shall apply:

11 (i) The riverfront of such lots shall be considered the
12 rear yard.

13 (ii) Permitted Accessory structures in rear yards:

14 a. Fences not to exceed 6 feet in height,
15 however, any portion of the fence over 4 feet
16 in height shall have a maximum opacity of 30%;
17 and

18 b. Structures not in excess of 4 feet in height
19 such as swimming pools, hot tubs, water
20 features, decks, barbeque and fire pits,
21 mechanical equipment, etc., as long as such
22 structures are set back from adjacent lots by
23 a minimum of 5 feet.

24 (iii) Permissible Accessory structures through
25 administrative deviation in rear yards:

26 a. One structure per lot for use as a summer
27 kitchen, cabana, non-commercial greenhouse,
28 storage shed or playhouse, with the following
29 limitations in addition to the limitations in
30 Sec. 656.399.8, Ordinance Code:

- i. Structure not to exceed 150 square feet, including roof overhang;
- ii. Structure height, including all roof features, not to exceed 15 feet as measured from the lower of either the finished floor elevation required to meet flood elevation requirements, or the elevation of the property line at the road right-of-way;
- iii. Structure set back from the bulkhead a minimum of 25 feet;
- iv. Structure will not obstruct the river view of any adjacent lot as viewed from the adjacent house, or the adjacent BRL if no house exists, from an elevation of five (5) feet from the finished floor elevation of the lowest room on the riverfront of such house; and
- v. Landscape screening shall be reviewed since the structure will likely be visible from adjacent parcels

(iv) Prohibited Accessory structures in rear yards include garages and facilities for caretakers and accessory living quarters.

(v) Except as provided in (iii), no administrative deviation from this section shall be permitted.

(14) Better Homes First Addition to San Marco - Replat Block 100;
For Lots 6 through 16, the following shall apply:

(i) The riverfront of such lots shall be considered the rear yard.

(ii) Permitted Accessory structures in rear yards:

1 a. Fences

2 i. Within 100 feet of the river - not to
3 exceed 6 feet in height as measured from
4 existing undisturbed grade, however, any
5 portion of the fence over 4 feet in
6 height shall have a maximum opacity of
7 30%; and

8 ii. Landward beyond 100 feet from the river -
9 may be completely opaque up to 6 feet in
10 height.

11 b. Structures that do not exceed 4 feet in height
12 such as swimming pools, hot tubs, water
13 features, decks, barbeque and fire pits,
14 mechanical equipment, etc., as long as such
15 structures are set back from adjacent lots by
16 a minimum of 5 feet.

17 (iii) No Accessory structure in excess of 4 feet in
18 height, other than a fence, shall be permissible
19 within 40 feet of the bulkhead or riverward lot
20 line.

21 (iv) Permissible Accessory structures through
22 Administrative Deviation in rear yards:

23 a. In the lower level of the rear yard, one
24 structure for use as a summer kitchen, cabana,
25 non-commercial greenhouse, storage shed or
26 playhouse, with the following limitations in
27 addition to the limitations in Sec. 656.399.8,
28 Ordinance Code:

29 i. Structure, including roof overhang, not
30 to exceed 400 square feet in area;

- 1 ii. Structure set back from the bulkhead a
2 minimum of 40 feet;
- 3 iii. Structure height, including all roof
4 features, shall be a maximum of 4 feet
5 above the lower of either the finished
6 floor elevation required to meet flood
7 elevation requirements, or the elevation
8 of the property line at the road right-
9 of-way;
- 10 iv. Roof material and design as well as
11 landscape screening shall be reviewed
12 since the roof surface will likely be
13 visible from adjacent parcels; and
- 14 v. No mechanical equipment may be located on
15 the roof of any such structure.

16 b. In the upper level of the rear yard, one
17 structure per lot for use as a summer kitchen,
18 cabana, non-commercial greenhouse, storage
19 shed or playhouse, with the following
20 limitations in addition to the limitations in
21 Sec. 656.399.8, Ordinance Code:

- 22 i. Structure, including roof overhang, not
23 to exceed 400 square feet in area;
- 24 ii. Structure located a maximum of 32 feet,
25 as measured from the riverfront BRL,
26 toward the river;
- 27 iii. Structure height, including all roof
28 features, shall be a maximum of 15 feet
29 as measured from the lower of either the
30 finished floor elevation required to meet
31 flood elevation requirements, or the

1 elevation of the property line at the
2 road right-of-way; and

3 iv. Structure shall not obstruct the river
4 view of any adjacent lot as viewed from
5 the adjacent house, or the adjacent BRL
6 if no house exists, from an elevation of
7 five (5) feet from the finished floor
8 elevation of the lowest room on the
9 riverfront of such house.

10 v. Structure shall be adequately landscaped
11 and screened from adjacent lot.

12 c. The allowable square footage of Accessory
13 structures may be combined for a maximum of
14 600 square feet, including roof overhang, so
15 long as the structure meets the other
16 limitations of the location (upper or lower
17 rear yard) within which it is placed.

18 (v) Prohibited Accessory structures in rear yards
19 include garages and facilities for caretakers and
20 accessory living quarters.

21 (vi) Except as provided in (iv), no administrative
22 deviation from this section shall be permitted.

23 ~~The term "combined" with reference to the required side yard means~~
24 ~~that one side of two may be reduced, so long as the total of the~~
25 ~~two side yards equals the required combined amount, with the~~
26 ~~reduction limited as follows: ten-foot combined, one side yard may~~
27 ~~be reduced to three (3) feet; 12-foot combined, one side yard may~~
28 ~~be reduced to four feet; 15-foot combined, one side yard may be~~
29 ~~reduced to five feet; 20-foot combined, one side yard may be~~
30 ~~reduced to 7.5 feet.~~

1 (g) Fencing along railroads.

2 Where the rear property line of a lot within the Zone abuts an
3 active railroad right-of-way, fences may be constructed to a height
4 of ten feet along such rear property line.

5 (h) Structure height.

6 (i) The height of principle structures shall be measured from
7 the lower of either the finished floor elevation required to meet
8 flood elevation requirements, or the elevation of the property line
9 at the road right-of-way; and

10 (iii) The height of fences shall be measured from undisturbed
11 existing grade.

12 **Section 2. Amending Section 656.399.8, Ordinance**
13 **Code as follows:**

14 **CHAPTER 656. ZONING CODE**

15 * * *

16 **PART III (SCHEDULE OF DISTRICT REGULATIONS)**

17 * * *

18 **SUBPART M (SAN MARCO OVERLAY ZONE)**

19 * * *

20 **Section 656.399.8. - Limitations on administrative deviations.**

21 * * *

22 (b) Limitations on administrative deviation standards.
23 For each type of development and standard listed hereafter,
24 administrative deviations may be sought subject to the applicable
25 minimums, maximums, additional criteria and other limitations:
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(1) Single-family development.

Standard	Deviation Limit
Front yard setback:	25 feet within any RLD zoning district category and 20 feet in all others, or the average of adjacent properties, whichever standard provides the largest yard area.
Rear yard setback:	No deviation allowed, unless specified in Sec. 656.399.7.
Side yard setback:	No deviation allowed except three feet for utilities and equipment such as air conditioning units that are less than four feet in height.
Detached structure setback/height limits:	A detached accessory structure may not be located closer than one foot from a rear and/or side lot line, unless specified in Sec. 656.399.7, and may not exceed the height of the applicable primary structure.

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Section 3. Replacement of existing exhibit. Replace the existing Color-Coded Subdivision Map of San Marco Study Area shown as "Figure C" in Sec. 656.399.6, *Ordinance Code*, with the color map attached hereto as **Exhibit 1**.

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Section 4. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

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Form Approved:

 /s/ Susan C. Grandin

Office of General Counsel

Legislation Prepared By: Susan C. Grandin

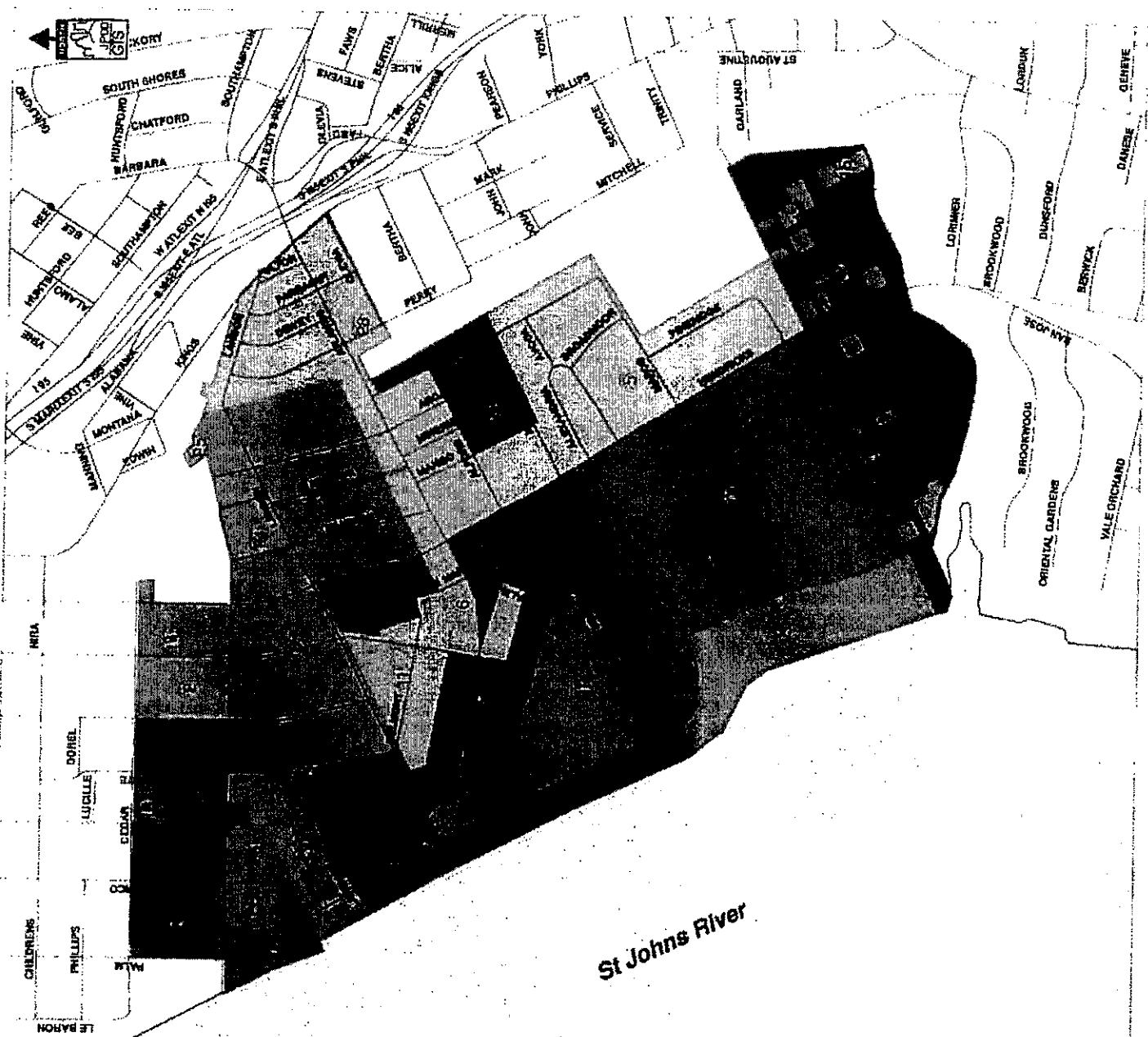
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San Marco Overlay Zone

ID#, Subdivision Names

- 1, Avondale Co Replat Bk 15 of San Marco
- 2, Harper's Replat-Part of Bk 12 of Oklahoma
- 3, Afford Park
- 4, Avondale Co Replat
- 5, Alexandria's Place
- 6, Avondale Co Replat-Lots 7-13 of Bk 7 & Bk 11 of San Marco
- 7, River Oaks Replat-Most of San Jose Park
- 8, San Marco Place
- 9, Better Homes 1st Addition to San Marco Replat Bk 100
- 10, Better Homes 1st Addition to San Marco
- 11, Frick's 1st Addition to San Marco
- 12, San Marco Replat-Lots A & B of Bk 18
- 13, San Marco Replat Bks 3, 4 & 5
- 14, John White's Replat of Lots 10-15 of Oklahoma
- 15, San Marco
- 16, San Jose Park
- 17, Riders Place Replat-Part of Bks 6 & 7 of Oklahoma
- 18, Fletcher Park Replat of Lots 18 & 19
- 19, Replat of Bk 22 & Lots 1, 2, 10-12 of Bk 14 of Oklahoma
- 20, Riders
- 21, Clark's Replat of Bk 18 of Oklahoma
- 22, Replat of Bk 7 of Schneider's Replat
- 23, Fletcher Park
- 24, Replat of Bk in Shady-side
- 25, Elberac's Addition
- 26, Schneider's Replat of Bk 6 of Oklahoma
- 27, Shady-side
- 28, Oklahoma

Prepared by T. Keith Hild, AEC, Inc., Planning & Survey
 Map Date: June 4, 2010
 Information: 2010 Progress/Case Manual/Creating Shapefiles
 Credits: Provided for illustrative purposes only



CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2015-834

Sponsor: Council Member Boyer

Date of Introduction: November 24, 2015

Committee(s) of Reference: LUZ

Date of Analysis: November 25, 2015

Type of Action: Amending *Ordinance Code* Chapter 656

Bill Summary: This bill amends Chapter 656 (Zoning Code), *Ordinance Code*, Part III (Schedule of District Regulations) Subpart M (San Marco Overlay Zone) Section 656.399.7 (Overlay Development Standards); and amending Section 656.399.8 (Limitations on Administrative Deviations).

Background Information: The amendments to Section 656.399.7 (Overlay Development Standards) will allow for revision of yard setback requirements and for Riverfront lots and Structure height measurements. Additionally, Section 656.399.8 will allow for deviations in certain rear yards.

Policy Impact Area: Planning & Development Department

Fiscal Impact: Undetermined

Analyst: Mitchell