

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 2017-231

AN ORDINANCE CREATING A NEW CHAPTER 261 (SALE OF TIRES), ORDINANCE CODE, TO REGULATE THE USE OF OUTSIDE STORAGE AND DISPLAY OF TIRES, PROVIDING AN EFFECTIVE DATE OF THE REGULATION FOR NEW USES AND FOR EXISTING USES; AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART C (COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS), SECTION 656.313 (COMMUNITY/GENERAL COMMERCIAL CATEGORY) COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) TO ALLOW THE SALE OF NEW OR USED TIRES ONLY AS A PERMISSIBLE USE BY EXCEPTION AND IN CONFORMANCE WITH PART 4 OF THE ZONING CODE, AND AMENDING COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2), TO ALLOW THE SALE OF NEW OR USED TIRES AS A PERMITTED USE AND IN CONFORMANCE WITH PART 4 OF THE ZONING CODE; AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART D (INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS), SECTION 656.323 (HEAVY INDUSTRIAL CATEGORY) TO ADD WASTE TIRE SITES AS A PERMITTED USE; AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, PART 4 (SUPPLEMENTARY REGULATIONS), SUBPART A (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), SECTION 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA) BY CREATING A NEW SUBSECTION (OO) (SALE OR STORAGE OF TIRES) TO PROHIBIT THE TIRES FROM BEING VISIBLE FROM THE STREET OR ADJACENT PROPERTIES; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Ordinance Code to add a new Chapter 261 - Sale of Tires - to require storage of tires for sale to be inside a structure and not visible from the street or adjacent properties within 5 years of the effective date of ordinance. It amends Chapter 656 Zoning Code to prescribe certain commercial zoning classifications where sale of new or used tires may only be conducted by exception and/or in conformance with Part 4 of the Zoning Code – Supplementary Regulations. The bill amends the Supplementary Regulations in Subpart A – Performance Standards – to add performance standards relating to the sale of new and used tires.

II. EVALUATION

A. The need and justification for the change

The Council finds that the outside storage or display of new or used tires causes not only visual blight but also presents a health hazard due to mosquitos that breed within the tires when water accumulates. The State of Florida has on numerous occasions issued Executive Orders regarding the Zika Virus which is carried by mosquitos and has determined that standing water is a major health concern such that development permits have been automatically extended in order to deal with the health threat. The City Council declares that the regulation of the outside storage and display of tires is necessary to protect the health, safety and general welfare of the inhabitants of the county.

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.

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules regarding impacts of the storage and display of tires.

C. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

III. RECOMMENDATIONS

Should **Ordinance 2017-231** be approved, the Planning and Development Department finds that the change does not conflict with any provision of the Zoning Code or Comprehensive Plan.

1 Introduced by Council Member Crescimbeni and Co-sponsored by
2 Council Member Wilson and Substituted by the Neighborhoods,
3 Community Services, Public Health & Safety Committee:
4
5
6

7 **ORDINANCE 2017-231**

8 AN ORDINANCE CREATING A NEW CHAPTER 261 (SALE
9 OF TIRES), *ORDINANCE CODE*, TO REGULATE THE USE
10 OF OUTSIDE STORAGE AND DISPLAY OF TIRES,
11 PROVIDING AN EFFECTIVE DATE OF THE REGULATION
12 FOR NEW USES AND FOR EXISTING USES; AMENDING
13 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*,
14 PART 3 (SCHEDULE OF DISTRICT REGULATIONS),
15 SUBPART C (COMMERCIAL USE CATEGORIES AND
16 ZONING DISTRICTS), SECTION 656.313
17 (COMMUNITY/GENERAL COMMERCIAL CATEGORY)
18 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) TO
19 ALLOW THE SALE OF NEW OR USED TIRES ONLY AS A
20 PERMISSIBLE USE BY EXCEPTION AND IN
21 CONFORMANCE WITH PART 4 OF THE ZONING CODE,
22 AND AMENDING COMMERCIAL COMMUNITY/GENERAL-2
23 (CCG-2), TO ALLOW THE SALE OF NEW OR USED
24 TIRES AS A PERMITTED USE AND IN CONFORMANCE
25 WITH PART 4 OF THE ZONING CODE; AMENDING
26 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*,
27 PART 3 (SCHEDULE OF DISTRICT REGULATIONS),
28 SUBPART D (INDUSTRIAL USE CATEGORIES AND
29 ZONING DISTRICTS), SECTION 656.323 (HEAVY
30 INDUSTRIAL CATEGORY) TO ADD WASTE TIRE SITES
31 AS A PERMITTED USE; AMENDING CHAPTER 656

1 (ZONING CODE), ORDINANCE CODE, PART 4
2 (SUPPLEMENTARY REGULATIONS), SUBPART A
3 (PERFORMANCE STANDARDS AND DEVELOPMENT
4 CRITERIA), SECTION 656.401 (PERFORMANCE
5 STANDARDS AND DEVELOPMENT CRITERIA) BY
6 CREATING A NEW SUBSECTION (OO) (SALE OR
7 STORAGE OF TIRES) TO PROHIBIT THE TIRES FROM
8 BEING VISIBLE FROM THE STREET OR ADJACENT
9 PROPERTIES; PROVIDING AN EFFECTIVE DATE.

10
11 BE IT ORDAINED by the Council of the City of Jacksonville:

12 Section 1. Creating a New Chapter 261, (Sale of Tires),
13 Ordinance Code. A new Chapter 261 (Sale of Tires), Ordinance Code,
14 is hereby created to read as follows:

15 CHAPTER 261. SALE, OUTSIDE STORAGE OF TIRES

16 Sec. 261.101. - Findings.

17 (a) The Council finds that the outside storage or display of
18 new or used tires causes not only visual blight but also presents a
19 health hazard due to mosquitos that breed within the tires when
20 water accumulates. The State of Florida has on numerous occasions
21 issued Executive Orders regarding the Zika Virus which is carried
22 by mosquitos and has determined that standing water is a major
23 health concern such that development permits have been
24 automatically extended in order to deal with the health threat.

25 (b) The Council declares that the regulation of the outside
26 storage and display of tires is necessary to protect the health,
27 safety and general welfare of the inhabitants of the county.

28 Sec. 261.102. - Exercise of municipal powers; territorial
29 application of the Chapter.

30 This Chapter shall apply throughout the General Service
31 District, less Urban Services District 2, 3, 4, and 5.

1 Sec. 261.201. - Responsibility.

2 Responsibility for the administration and enforcement of this
3 Chapter is vested in the Municipal Code Compliance Division, the
4 Solid Waste Division, and the Jacksonville Sheriff's Office.

5 Sec. 261.202. - Requirement for compliance: effective dates.

6 (a) By July 1, 2023, every use existing on or before July 1,
7 2018 that sells or stores tires must come into compliance with
8 Ordinance Code Section 656.401 (Performance Standards and
9 Development Criteria) regarding the "Sale of new or used tires."

10 A use will be deemed to be in existence based upon the
11 following:

12 (1) a valid Certificate of Use; or

13 (2) proof of payment of Local Business Tax for the same
14 address to show that the use was in existence prior to July 1,
15 2018; or

16 (3) proof that an application for a building permit for
17 the use was submitted to the Building Inspection Division
18 prior to July 1, 2018.

19 An extension of the July 1, 2023 deadline will only be allowed
20 through a showing of good cause as approved by both the Director of
21 Public Works and the Director of Planning and Development.

22 (b) Beginning July 1, 2018 all new uses that sell or store
23 tires will be required to comply with Section 656.401, Ordinance
24 Code. Proof of compliance will be required prior to registration
25 with the City of Jacksonville Solid Waste Division, or in order to
26 obtain a Certificate of Use.

27 Section 2. Amending Section 656.313, (Community/General
28 Commercial Category) Ordinance Code. Section 656.313
29 (Community/General Commercial Category), Chapter 656 (Zoning Code),
30 Ordinance Code, is hereby amended to read as follows:

31 CHAPTER 656. ZONING CODE

* * *

PART 3 (SCHEDULE OF DISTRICT REGULATIONS)

* * *

SUBPART C (COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS)

* * *

Section 656.313. Community/General Commercial Category.

* * *

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

(a) Permitted uses and structures.

(1) Commercial retail sales and service establishments, except the sale of tires, which are permissible only by exception.

* * *

(c) Permissible uses by exception.

(19) Sale of new or used tires, meeting the performance standards and development criteria set forth in Part 4.

* * *

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

(a) Permitted uses and structures.

(1) Commercial Retail Sales and Service Establishments.

* * *

(30) The sale of new or used tires, meeting the performance standards and development criteria set forth in Part 4.

* * *

Section 3. Amending Section 656.323 (Heavy Industrial Category), Ordinance Code. Section 656.323 (Heavy Industrial Category), Subpart D (Industrial Use Categories and Zoning Districts), Part 3 (Schedule of District Regulations), Chapter 656

(Zoning Code), Ordinance Code is hereby amended as follows:

CHAPTER 656. ZONING CODE

* * *

PART 3 (SCHEDULE OF DISTRICT REGULATIONS)

* * *

SUBPART D (INDUSTRIAL USE CATEGORIES AND ZONING DISTRICTS)

* * *

Section 656.323. Heavy Industrial Category.

A. Primary Zoning Districts. The primary zoning districts shall include the following:

* * *

III. Industrial Heavy (IH) District.

(a) Permitted uses and structures.

* * *

(17) Establishments engaged in the manufacturing of paints, varnishes, lacquers, enamels and shellac, putties, wood fillers and sealers, paint and varnish removers, paint brush cleaners and allied products, but excluding therefrom the manufacturing of the resins and other components from which such projects are manufactured.

(18) Waste tire site, waste tire processing center, or tire recycling, as defined in Rule 62-701, Florida Administrative Code (Solid Waste Management Facilities) and Section 403.717, Florida Statutes (Waste tire and lead-acid battery requirements).

* * *

Section 4. Amending Section 656.401 (Performance Standards and Development), Ordinance Code. Section 656.401 (Performance Standards and Development), Chapter 656 (Zoning Code), Ordinance Code, is hereby amended to read as follows:

CHAPTER 656. ZONING CODE

* * *

PART 4 (SUPPLEMENTARY REGULATIONS)

* * *

SUBPART A (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA)

* * *

Section 656.401. Performance Standards and Development
Criteria.

It is the intent of the City of Jacksonville that these supplementary regulation standards and criteria be read in addition to, rather than in lieu of, any other requirement in this Chapter. The following uses, whether permitted or permissible by exception, must meet the criteria listed under each use as a prerequisite for further consideration under this Zoning Code.

* * *

(mm) Sale of new or used tires.

(1) All tires located outside shall be stored and displayed so that the tires are not visible from the right-of-way or adjacent properties.

(2) All tires must be kept free from standing water at all times.

(3) The use of tarps or similar temporary material to visually screen the tires is prohibited.

(4) The visual screening of the tires may be by either:

(i) a permanent structure, such as a building;

(ii) a six foot (6') height fence, at least eighty-five (85%) opaque, set inward at least thirty feet (30') from any public or private right-of-way line; or

(iii) a ten foot (10') in depth landscape buffer, set inward a minimum of twenty (20) feet from any public or private right-of-way line. The landscape buffer shall:

1 (A) be native, evergreen vegetation;

2 (B) be a minimum of a six feet (6') in height at
3 the time of planting that will reach a minimum of
4 ten feet (10') in height two years after planting;

5 (C) reach an eighty-five percent (85%) opacity
6 within two (2) years after planting; and

7 (D) be maintained and preserved in a healthy
8 condition for so long as the use exists. Should
9 vegetation die it shall be immediately replaced.

10 (5) The sale, storage and display of tires may not
11 exceed 1,500 tires. If a facility contains more than
12 1,500 tires, then the facility shall be deemed to be a
13 waste tire site, waste tire processing center, or tire
14 recycle facility and thus regulated by Chapter
15 403.717, Florida Statutes, and Rule 62-717, Florida
16 Administrative Code.

17 (6) The storage of waste and used tires must comply
18 with the Florida Fire Prevention Code and Rule 62-711
19 F.A.C.

20 (7) The storage of any tire must comply with all
21 state and federal regulations, as well as these local
22 regulations. The Florida Fire Prevention Code is
23 currently found in Chapter 36 of the Florida Building
24 Code.

25 **Section 5. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Susan C. Grandin

4 Office of General Counsel

5 Legislation Prepared By: Susan C. Grandin

6 GC-#1198669-v1-2017-231_.doc