

## **REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**JANUARY 18, 2018**

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 2017-862**

**AN ORDINANCE AMENDING SECTION 656.399.7 (OVERLAY DEVELOPMENT STANDARDS), SUBPART M (SAN MARCO OVERLAY ZONE), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO INSERT A NEW SUBSECTION (5) REGARDING BUILDING RESTRICTION LINES FOR RESIDENTIAL LOTS WITH FRONTAGE ON THREE STREETS; PROVIDING AN EFFECTIVE DATE.**

#### **I. GENERAL INFORMATION**

This bill amends Chapter 656 (Zoning Code), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Subpart M (San Marco Overlay Zone), Ordinance Code, to establish allowable setback reductions from the historical building restriction lines for lots with frontage on three streets.

#### **II. EVALUATION**

##### ***A. The need and justification for the change.***

The San Marco Overlay Zone was established to protect the economic vitality, character, aesthetic appeal, historical integrity and overall charm of the Zone by providing for zoning restrictions, standards and processes supplemental to the general terms of the Zoning Code and applicable only to properties within the Zone. This bill establishes allowable setback reductions from the historical building restriction lines for lots with frontage on three streets.

##### ***B. Summary of Bill.***

This bill amends Chapter 656 (Zoning Code), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Subpart M (San Marco Overlay Zone), Ordinance Code, to establish allowable setback reductions from the historical building restriction lines for lots with frontage on three streets.

C. Consistency with the Comprehensive Plan.

Ordinance 2017-862 is consistent with the 2030 Comprehensive Plan in that it promotes the following goals, objectives and policies:

Future Land Use Element (FLUE) Policy 1.1.4 The Land Development Regulations shall include locational criteria and standards for all zoning or subdivision site plan requests for densities or intensities of use for each future land use category including appropriate criteria related to development areas, street classification, availability of public facilities and services, land use compatibility, development and redevelopment potential, site design factors, ownership patterns, environmental impacts, relevant adopted plans and studies, and principal and secondary uses as described in the Plan Category Descriptions of the Operative Provisions. In order to ensure the development of a variety of neighborhoods and living environments, the Land Development Regulations shall include several zoning districts with different minimum lot size and density of development requirements in each residential land use category.

FLUE Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

FLUE Policy 3.1.20 The City shall recognize and maintain neighborhoods through the development and implementation of district plans and /or neighborhood plans, which identify the needs of the City's neighborhoods and the opportunities to improve and maintain those neighborhoods in light of continued growth and development pressures with in and surrounding them.

The San Marco Overlay Zone was created in response to increased development pressure which frequently digressed from the Zone's historical design, massing and platted building restriction lines as well as the general zoning requirements. This bill furthers FLUE Policy 1.1.4, FLUE Goal 3, and FLUE Policy 3.1.20 by furthering the spirit and intent of the Zone.

### III. RECOMMENDATIONS

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 2017-862 is consistent with the Comprehensive Plan and furthers the spirit and intent of the Zoning Code. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2017-862 be **APPROVED.**

1 Introduced by Council Member Boyer:  
2  
3

4 **ORDINANCE 2017-862**

5 AN ORDINANCE AMENDING SECTION 656.399.7  
6 (OVERLAY DEVELOPMENT STANDARDS), SUBPART M  
7 (SAN MARCO OVERLAY ZONE), PART 3 (SCHEDULE OF  
8 DISTRICT REGULATIONS), CHAPTER 656 (ZONING  
9 CODE), ORDINANCE CODE, TO INSERT A NEW  
10 SUBSECTION (5) REGARDING BUILDING RESTRICTION  
11 LINES FOR RESIDENTIAL LOTS WITH FRONTAGE ON  
12 THREE STREETS; PROVIDING AN EFFECTIVE DATE.  
13

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

15 **Section 1. Amending Section 656.399.7 (Overlay**  
16 **development standards.), Ordinance Code. Section 656.399.7**  
17 **(Overlay development standards), Chapter 656 (Zoning Code),**  
18 **Ordinance Code, is hereby amended to read as follows:**

19 **CHAPTER 656. ZONING CODE.**

20 \* \* \*

21 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

22 \* \* \*

23 **SUBPART M. SAN MARCO OVERLAY ZONE**

24 \* \* \*

25 **Sec. 656.399.7. - Overlay development standards.**

26 Except as otherwise provided in this Subpart M, the design,  
27 siting and building standards, criteria and limitations set forth  
28 expressly in this Subpart M with reference to lots with building  
29 restriction lines, setback and height, specific locations, specific  
30 development types and/or specific types of structures or equipment,  
31 shall supersede and prevail over any other inconsistent provisions

1 of the Zoning Code including any PUD adopted subsequent to the  
2 effective date of this ordinance. Subsequent to the effective date  
3 of this ordinance any request for administrative deviation,  
4 variance, conventional rezoning, PUD rezoning, PUD administrative  
5 modification, PUD minor modification, or PUD major modification  
6 shall be limited by these Overlay development standards as well as  
7 Section 656.399.6, of this Overlay. For standards not expressly set  
8 forth in this Overlay, the standards relative to an underlying  
9 zoning district and other applicable, general provisions of the  
10 Zoning Code shall govern.

11 (a) Building restriction line setbacks.

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

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

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

30 (i) For the following lots, the frontage on the waterway  
31 shall be deemed a rear yard, and specifically not a

1 "yard, front" as defined in Section 656.1601, Ordinance  
2 Code:

3 1. San Marco, for Lots 1 through 5 of Block 1, and Lots  
4 1 through 18 of Block 2; and

5 2. Better Homes First Addition to San Marco Replat  
6 Block 100, for Lots 1 through 16; and

7 (ii) If a rear yard is designated in a lot's historic plat,  
8 that yard shall be deemed a rear yard for zoning  
9 purposes within this Overlay, unless otherwise  
10 specifically stated herein.

11 (4) The term "combined" with reference to the required side yard  
12 means that one side of two may be reduced, so long as the  
13 total of the two side yards equals the required combined  
14 amount, with the reduction limited as follows: ten-foot  
15 combined, one side yard may be reduced to three (3) feet;  
16 12-foot combined, one side yard may be reduced to four feet;  
17 15-foot combined, one side yard may be reduced to five feet;  
18 20-foot combined, one side yard may be reduced to 7.5 feet.

19 (5) For residential lots with frontage on three streets, the lot  
20 owner may request a setback reduction totaling no more than  
21 15 feet "combined" as that term is used in subsection (4)  
22 above; provided however, that the primary front yard (where  
23 the front door faces the street and the property is  
24 addressed) may not be reduced to less than a 25 foot  
25 setback and the second front yard (adjacent to the side of  
26 the residence) may not be reduced to less than 15 foot  
27 setback. The setback reduction may be approved  
28 administratively by the Director without the need for an  
29 administrative deviation.

30 \* \* \*

31 Section 2. 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 Form Approved:

5

6 /s/ Paige Hobbs Johnston

7 Office of General Counsel

8 Legislation Prepared By: Paige H. Johnston

9 GC-#1177788-v1-Boyer\_San\_Marco\_Overlay\_BRL.doc