

## 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 2018-870**

**AN ORDINANCE REGARDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE; AMENDING SECTION 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), PART 4 (SUPPLEMENTARY REGULATIONS), SUBPART A (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO REVISE THE PERFORMANCE STANDARDS FOR FILLING STATIONS, GAS STATIONS, SERVICE STATIONS AND AUTOMATED CAR WASHES AND TO CREATE A NEW SECTION OF PERFORMANCE STANDARDS FOR AUTO DEALERSHIPS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

This bill amends Ordinance Code, Chapter 656 (Zoning Code), Section 656.401 (Performance Standards and Development Criteria), Part 4 (Supplementary Regulations), Subpart A (Performance Standards and Development Criteria); revises the Performance Standards for Filling Stations, Gas Stations, Service Stations, and Automated Car Washes; and creates a new section of Performance Standards for Auto Dealerships.

#### **II. EVALUATION**

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

Council Vice President Scott Wilson, Council Member John Crescimbeni, and Council Member Greg Anderson held several workshops reviewing and discussing current legislation dealing with commercial corridors and the issues related to misuse and abuse of the laws. The group vetted the topic of local car washes and gas stations. The legislation updates include, but not limited to, terms; conforming and nonconforming uses near residential properties; sidewalks; signage; lenses, and parking for consistency in the Ordinance Code.

##### ***B. Consistency with the Comprehensive Plan.***

The legislation furthers Future Land Use Element Policy 3.2.1 which calls for the City to eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

#### **III. RECOMMENDATION**

The Planning and Development Department recommends that **Ordinance 2018-870** be approved.

1 Introduced by Council Members Wilson, Crescimbeni and Anderson:  
2  
3

4 **ORDINANCE 2018-870**

5 AN ORDINANCE REGARDING CHAPTER 656 (ZONING  
6 CODE), *ORDINANCE CODE*; AMENDING SECTION  
7 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT  
8 CRITERIA), PART 4 (SUPPLEMENTARY REGULATIONS),  
9 SUBPART A (PERFORMANCE STANDARDS AND  
10 DEVELOPMENT CRITERIA), CHAPTER 656 (ZONING  
11 CODE), *ORDINANCE CODE*, TO REVISE THE  
12 PERFORMANCE STANDARDS FOR FILLING STATIONS,  
13 GAS STATIONS, SERVICE STATIONS AND AUTOMATED  
14 CAR WASHES AND TO CREATE A NEW SECTION OF  
15 PERFORMANCE STANDARDS FOR AUTO DEALERSHIPS;  
16 PROVIDING FOR SEVERABILITY; PROVIDING AN  
17 EFFECTIVE DATE.  
18

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

20 **Section 1.** Amending Section 656.401 (Performance  
21 Standards and Development Criteria), Part 4 (Supplementary  
22 Regulations), Subpart A (Performance Standards and Development  
23 Criteria), Chapter 656 (Zoning Code), *Ordinance Code*. Section  
24 656.401 (Performance Standards and Development Criteria), Part 4  
25 (Supplementary Regulations), Subpart A (Performance Standards and  
26 Development Criteria), Chapter 656 (Zoning Code), *Ordinance Code*,  
27 is hereby amended to read as follows:

28 **CHAPTER 656. ZONING CODE.**

29 \* \* \*

30 **PART 4. SUPPLEMENTARY REGULATIONS.**

31 \* \* \*



1 than 95 percent opaque, shall be provided between the  
2 filling station or service station and any adjacent  
3 conforming residential district use.

4 4. Except car wash entry and exit openings, service bay doors  
5 shall not be permitted to be located facing toward any  
6 public rights-of-way. Where a parcel abuts a conforming  
7 residential use, service bay doors shall not be permitted  
8 to face such residential use.

9 5. Service areas in which major automotive repair is  
10 conducted, dumpsters, and open car wash bays fronting  
11 public rights-of-way (except car wash entry and exit  
12 openings) shall be visually screened from public rights-of-  
13 way as much as is reasonably practical for the site.

14 6. All filling stations and service stations shall be  
15 constructed of permanent and durable materials. No  
16 prefabricated metal structures (except trade or other  
17 fixtures such as ice or propane storage) shall be  
18 permitted. This shall not include canopies designed to  
19 cover pump islands.

20 7. Any filling station shall have well-lit access points at  
21 the pedestrian scale.

22 8. Primary building entrances shall be designed to incorporate  
23 pedestrian connections to public sidewalks where  
24 applicable, via a five-foot (5'0") minimum concrete  
25 sidewalk or crosswalk designated by special paving  
26 materials or treatments (including striping).

27 9. In areas where pedestrian and vehicular traffic are in  
28 conflict with each other, special paving materials and  
29 treatments (including striping) shall be used to define  
30 pedestrian routes across the site.

31 10. Bike racks shall be located within visible proximity of the

1           main entrance to any retail store.

2           11. ATMs shall be located inside principal structures to the  
3           greatest extent possible.

4           12. Filling station canopy fascias shall not be transparent,  
5           reflective or encircled in unshielded light bulbs. Backlit  
6           fascia components and translucent fascia components that  
7           otherwise meet canopy illumination property line level  
8           requirements provided in this subsection (k) comply with  
9           this requirement.

10          13. All primary structures, accessory structures, and roofs  
11          shall use consistent architectural themes and colors and  
12          shall be consistent with any adopted design guidelines.

13          14. Bulk displays of product or merchandise (such as packs or  
14          cases of soft drinks or automotive products) shall not be  
15          located on or in fuel islands.

16          15. Any signage, including corporate logos or images (but not  
17          including corporate color banding), provided on a canopy  
18          shall be deducted from the allowable wall signage of the  
19          primary structure.

20          16. Rooftop (directed skyward) signage is prohibited.

21          17. All sag lenses, drop lenses and convex lenses shall be  
22          prohibited. Illumination levels at all property lines shall  
23          not exceed one-half (.5) foot candles ("f.c.") when the  
24          building or parking areas are located adjacent to a  
25          conforming residential use, and shall not exceed one (1.0)  
26          f.c. when abutting other non-residential properties. All  
27          lighting lamp sources within parking and pedestrian areas  
28          shall be metal halide, compact fluorescent or LED. The  
29          maximum light pole height in all parking areas should not  
30          exceed twenty-one feet (21'- 0") above ground level. An  
31          exterior lighting design plan, including a photo metrics

1 plan, pole and fixtures schedules shall be submitted for  
2 review and approval by the Planning and Development  
3 Department.

4 \* \* \*

5 (v) Service Stations. Auto dealerships.

6 1. ~~A service station shall be of adequate width and depth to~~  
7 ~~meet all setback requirements of the district of which it~~  
8 ~~is a part, but in no case shall a lot have less than 100~~  
9 ~~feet of street frontage and a minimum lot area of not~~  
10 ~~less than 22,500 square feet. Facilities shall be~~  
11 ~~established only in areas where there is no existing~~  
12 ~~residential land use or residential zoning district~~  
13 ~~within a minimum of 150 feet (measured from the edge of~~  
14 ~~the property boundary).~~

15 2. ~~Lighting on a service station shall be so designed and~~  
16 ~~installed so as to prevent glare or excessive light on~~  
17 ~~adjacent property. No source of illumination shall be~~  
18 ~~allowed if such source of illumination would be visible~~  
19 ~~from a residentially zoned district to the extent that it~~  
20 ~~interferes with the residential use of that area. Land~~  
21 ~~used within the project shall be clearly marked,~~  
22 ~~separated and isolated from each: (i) customer parking~~  
23 ~~(sales) from employee parking and service areas; (ii)~~  
24 ~~service areas from sales areas; and (iii) outside car~~  
25 ~~display areas from all other areas. Outside display area~~  
26 ~~means an open or partially open area, other than a~~  
27 ~~street, entrance or exit way, drive-isle or driveway,~~  
28 ~~required customer or employee parking, or required~~  
29 ~~setback or landscaped area, which may be used for the~~  
30 ~~display of new and used automobiles for sale, and where~~  
31 ~~no service or repair work is done.~~

- 1           3.   ~~No main or accessory building, and no gasoline pump shall~~  
2           ~~be located within 25 feet of the lot line of the property~~  
3           ~~that is residentially zoned.~~   Service and storage areas  
4           shall not be located on the frontage of the site.  
5           Outside display areas are not service and storage areas.  
6           All storage/service areas shall be screened from all  
7           public areas and any abutting properties with a one-  
8           hundred percent (100%) opaque structural/vegetative  
9           screen with a minimum of six feet (6'0") in height.
- 10          4.   ~~No gasoline pump shall be located within 25 feet of a~~  
11          ~~street right of way line.~~
- 12          4.   Structural screening shall be constructed of a durable  
13          material and have a design compatible with the overall  
14          character of the architecture of the site. Chain link  
15          fencing shall not be considered screening; however, it  
16          shall be allowed for security purposes only and must be  
17          screened with vegetation.
- 18          5.   All sag lenses, drop lenses and convex lenses shall be  
19          prohibited. Illumination levels at all property lines  
20          shall not exceed one-half (.5) foot candles ("f.c.") when  
21          the building or parking areas are located adjacent to  
22          residential areas, and shall not exceed one (1.0) f.c.  
23          when abutting other non-residential properties. All  
24          lighting lamp sources within parking and pedestrian areas  
25          shall be metal halide, compact fluorescent or LED. The  
26          maximum light pole height in all parking areas should not  
27          exceed twenty-one feet (21'- 0"). An exterior lighting  
28          design plan, including a photometrics plan, pole and  
29          fixtures schedules shall be submitted for review and  
30          approval by the Planning and Development Department.
- 31          6.   Landscape buffers between the property and public right-

1 of-way shall be twenty-five feet (25'0") minimum with one  
2 (1) shade tree per each forty feet (40'0") of frontage  
3 and contain a visual screen. The landscape buffer yard  
4 shall contain the following.

5 a. All shade trees shall be a minimum of ten feet  
6 (10'0") tall and 2" inch caliper at time of  
7 planting. Trees shall be allowed to grow to normal  
8 height and shade relative to variety. No trees shall  
9 be topped or "hat-racked" to improve visibility.

10 b. There shall be one (1) understory tree for every  
11 twenty feet (20'0") of frontage. These trees may be  
12 clustered to enhance the overall landscape  
13 presentation. These trees shall be planted with a  
14 minimum height of eight feet (8'0") and a minimum  
15 spread of six feet (6'0").

16 7. All parking areas and displays shall have a continuous  
17 screen of hedge type of shrubs. These plants shall have a  
18 minimum height of thirty inches (0'30") at planting, and  
19 be planted a maximum of twenty-four inches (0'24") apart.  
20 Hedge plantings may be pruned at a height no lower than  
21 three feet (3'0").

22 \* \* \*

23 (jj) Automated Car Washes.

24 1. The automated car wash shall be limited to no more than  
25 three (3) vacuum ~~stations~~ machines each capable of  
26 vacuuming no more than two vehicles at any one time.

27 2. The automated car wash shall be contiguous to a street  
28 classified as minor arterial or higher classification, as  
29 designated on the Functional Highway Classification Map of  
30 Comprehensive Plan.

31 3. The entrance and exit bay openings to the car wash shall



1 be oriented away from any ~~residentially-zoned property~~  
2 adjacent conforming residential uses.

3 4. A 15-foot wide buffer meeting Section 656.1216 of the  
4 Zoning Code shall be provided between the property and any  
5 institutional use, office use, or any ~~residentially-zoned~~  
6 ~~property or~~ conforming residential use.

7 5. The hours of operation shall be limited to 7:00 a.m. to  
8 10:00 p.m. if adjacent to a conforming residential use.

9 6. Lighting shall be so designed and installed so as to  
10 prevent glare or excessive light on adjacent property. No  
11 sources of illumination shall be allowed if such source of  
12 illumination would be visible from a residentially-zoned  
13 district to the extent that it interferes with the  
14 residential use of that area.

15 7. All primary structures, accessory structures, and roofs  
16 shall use consistent architectural themes and colors and  
17 shall be consistent with any adopted design guidelines.

18 8. Any signage provided on a car wash shall be deducted from  
19 the allowable wall signage of the primary structure.

20 9. Car washes and vacuums shall not be located within one  
21 hundred feet (100') of any conforming residential use.

22 Section 2. Severability. The provisions of this  
23 Ordinance, including sections and subsections within the Ordinance,  
24 are intended to be severable and if any provision is declared  
25 invalid or unenforceable by a court of competent jurisdiction, such  
26 provision shall be severed and the remainder shall continue in full  
27 force and effect the Ordinance being deemed amended to the least  
28 degree legally permissible.

29 Section 3. Effective Date. This ordinance shall become  
30 effective upon signature by the Mayor or upon becoming effective  
31 without the Mayor's signature.

1 Form Approved:

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3  /s/ Paige Hobbs Johnston

4 Office of General Counsel

5 Legislation Prepared By: Paige H. Johnston

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