

**Ordinance 2022-447**  
**2021B Series Text Amendment**  
**City of Jacksonville 2030 Comprehensive Plan**  
**Future Land Use Element**

**FLUE Policy 3.1.29**

**One accessory dwelling unit may be permitted, subject to compliance with the Land Development Regulations, on a conforming residential lot regardless of the density limitations in the Agriculture, Rural Residential, Low Density Residential, Medium Density Residential and Residential-Professional-Institutional Future Land Use Categories. An accessory dwelling unit is an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.**

**DIAMOND AMENDMENT**

Council Member Diamond offers the following second amendment to File No. 2022-448:

(1) On **page 1, line 6**, after "ORDINANCE" insert "AMENDING SECTION 656.305 (LOW DENSITY RESIDENTIAL CATEGORY), SUBPART B (RESIDENTIAL USE CATEGORIES AND ZONING DISTRICTS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO DELETE THE LIMITATION THAT DETACHED ACCESSORY DWELLING UNITS BE ALLOWED ONLY IN THE RESIDENTIAL LOW DENSITY-TND (RLD-TND) DISTRICT AS A PERMITTED USE AND AS A PERMISSIBLE USE BY EXCEPTION;"

(2) On **page 1, line 16½**, insert a new Section 1 to read as follows:

**"Section 1. Amending Section 656.305 (Low Density Residential Category), Subpart B (Residential Use Categories and Zoning Districts), Part 3 (Schedule of District Regulations), Chapter 656 (Zoning Code), Ordinance Code.** Section 656.305 (Low Density Residential Category), Subpart B (Residential Use Categories and Zoning Districts), Part 3 (Schedule of District Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

**Chapter 656 - ZONING CODE**

\* \* \*

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

\* \* \*

**SUBPART B. - RESIDENTIAL USE CATEGORIES AND ZONING  
DISTRICTS**

\* \* \*

**Sec. 656.305. - Low Density Residential Category.**

\* \* \*

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

\* \* \*

II. *Residential Low Density (RLD) Districts.*

(a) *Permitted uses and structures.*

\* \* \*

~~(12) Detached Accessory Dwelling Unit (RLD-TND  
only).~~

\* \* \*

(c) *Permissible uses by exception.*

\* \* \*

~~(11) Detached Accessory Dwelling Unit (RLD-TND  
only)."~~

- (3) Renumber the remaining Sections;
- (4) On **page 2, lines 19-20** **strike** "The owner of the property with an accessory dwelling unit must reside in the principal structure." and **insert** "Accessory dwelling units constructed pursuant to this Section may only be located on property that is subject to an existing homestead exemption or on property that meets the requirements for a homestead exemption which the property owner has applied for through the Duval County Property Appraiser's Office with the expectation that the exemption will be granted.";

- (5) On **page 2, line 22** after "dwelling" **insert** "and may be attached to or detached from the principal structure. Accessory dwelling units attached to the principal structure shall be physically separated from said structure so as to prevent direct, internal access between the primary structure and the accessory dwelling unit.";
- (6) On **page 2, line 22½**, **insert** the following:  
"(8) The Department shall include a certification in the permit application for requests to construct an accessory dwelling unit that requires the applicant to certify whether their property is part of a deed restricted community or subject to a homeowner's, neighborhood or master association and, if answered in the affirmative, that the applicant has confirmed an accessory dwelling unit is allowed under the deed restrictions and/or rules of the homeowner's, neighborhood or master association, as applicable.";
- (7) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

---

Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

GC-#1533838-v1-2022-448\_Diamond\_Amend\_(LUZ).docx

**Ordinance 2022-447**

**2021B Series Text Amendment**  
**City of Jacksonville 2030 Comprehensive Plan**  
**Future Land Use Element**

FLUE Policy 3.1.29

One accessory dwelling unit is may be permitted, subject to compliance with the Land Development Regulations, on a conforming residential lot regardless of the density limitations in the Agriculture, Rural Residential, Low Density Residential, Medium Density Residential and Residential-Professional-Institutional Future Land Use Categories. An accessory dwelling unit is an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.

**DMH&D**  
 — DRIVER MCAFEE —  
 HAWTHORNE · DIEBENOW

One Independent Drive  
 Suite 1200  
 Jacksonville, Florida 32202

P (904) 301.1269  
 F (904) 301.1279  
 www.drivermcafee.com

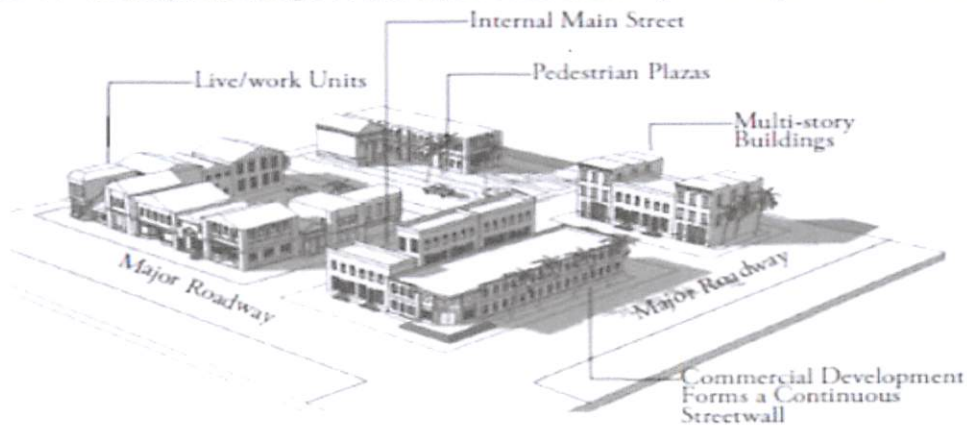
### Staff Report

- **ISSUE 1 on Page 2** – Staff report states that PUD seeks height, parking and setback deviations from Renew Arlington Zoning Overlay
  - PUD Written Description and Site Plan have been revised. Height (35'), parking (exact required number) and setbacks (on all sides) comply with Renew Arlington Zoning Overlay

### Staff Report – Renew Arlington Design Review (RADR) Staff Comments

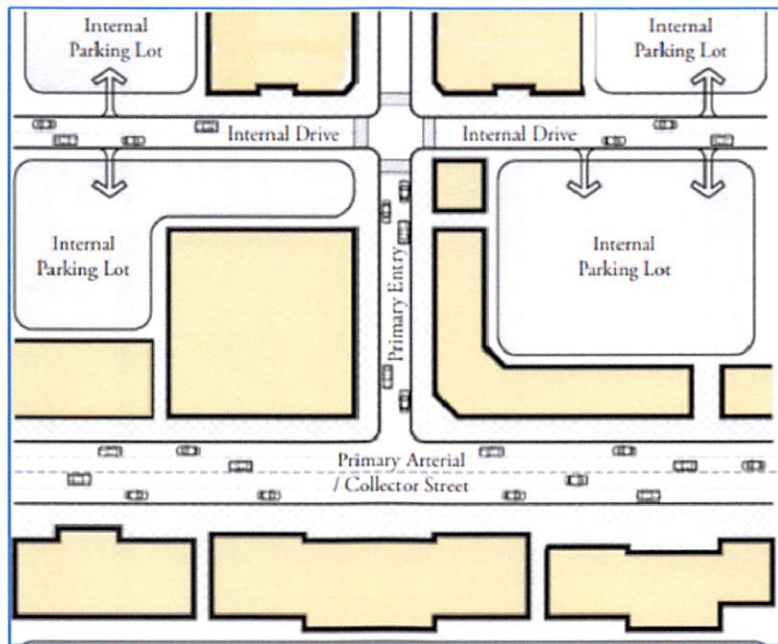
- **ISSUE 2 on Page 3, ¶1** – PUD is not consistent with intent or design guidelines of the Renew Arlington Zoning Overlay Catalyst Area based on Figures 11 and 12.
  - PUD meets this requirement.

Figure 11 - Conceptual image of site layout and massing in Catalyst Character Area



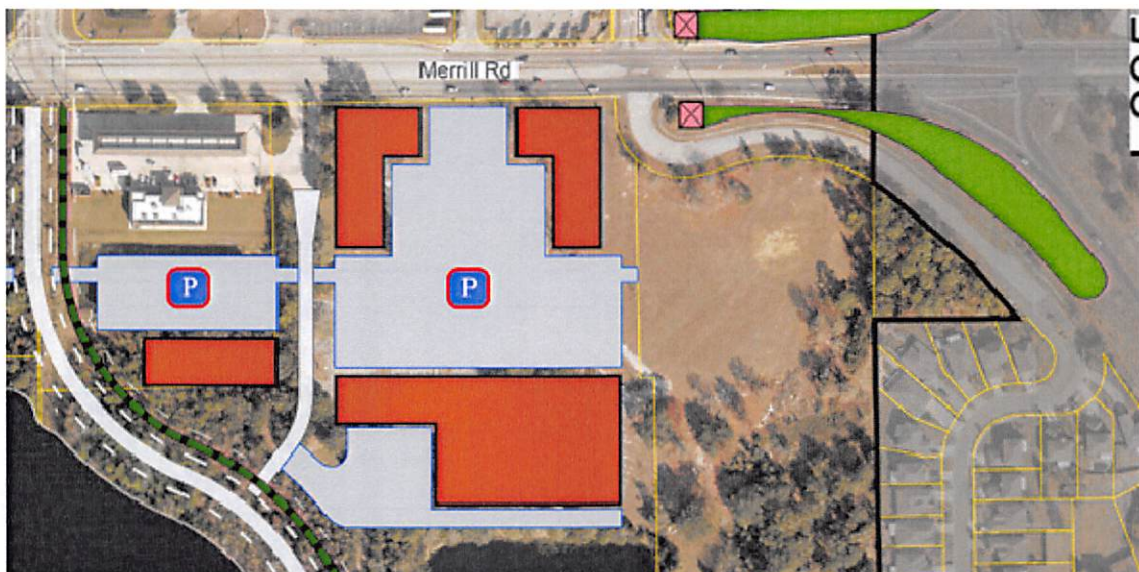
S.

Figure 12 - Conceptual image of parking and building locations for Catalyst Character Area



- Figure 11 and Figure 12 are Conceptual images
- There are multiple ways to meet the intent of this requirement

**EXAMPLE 1:** Figure 2E: Redevelopment Plan Conceptual Diagram I-295/Merrill Road from Renew Arlington CRA Redevelopment Plan on page 18



**EXAMPLE 2:** Brian Wheeler Plan (HANDOUT)

**EXAMPLE 3:** College Park PUD (Town & Country) Plan (HANDOUT)

- 2 buildings front Merrill Road, a minor arterial, similar to Figures 11 & 12
- Parking lots are interior to property
- **ISSUE 3 on Page 3, ¶1** – The PUD does not propose mixed use that is vertically or horizontally integrated
  - This language is found in the “Intent” subsection of the Renew Arlington Zoning Overlay. S. 656.399.63.E.2. **BEING MIXED USE IS NOT A MANDATE**
  - 2. *Intent.* These areas are comprised of unique parcels that contain existing large commercial shopping centers, vacant lots, and medium density residential units. These areas are currently dominated by large parking lots that are not pedestrian friendly and not landscaped in compliance with the current code. These areas are prime locations for redevelopment, serving as an opportunity to promote the CRA's revitalization goals of creating walkable, mixed use areas (vertical and/or horizontal integration) to enhance the community. Generally, the standards herein focus on pedestrian and bicycle access, appropriate parking area orientation, green space enhancements, and an aggregation of shared Public Space.
  - Vertical and/or horizontal integration of uses is not required in the Overlay
  - **The Comprehensive Plan does not permit mixed uses at this location.**

**MDR - URBAN AREA USES**

The uses provided herein shall be applicable to all MDR sites within the Urban Area.

Principal Uses

Multi-family dwellings; Single-family dwellings when the predominant surrounding development typology within the MDR category is single-family; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area: and Other uses associated with and developed as an integral component of TND or TOD.

Secondary Uses

Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition, the following secondary uses may also be permitted: Single-family dwellings; Nursing homes; Emergency shelter homes; Foster care homes; Rooming



houses; Residential treatment facilities; Private clubs; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map.

**Sec. 656.382. - Required design elements of a TND.**

(b)Size. Within a TND, the minimum size of the neighborhood proper shall be 40 acres and the maximum size shall not exceed 200 acres. Larger parcels shall be developed as multiple neighborhoods proper, each individually subject to all the provisions. A neighborhood proper may be located adjacent to, but shall not be bisected by, a street functionally classified as an arterial, or higher.

**Sec. 656.1402. – [TOD] Approval procedure.**

The following areas, as more explicitly depicted on Exhibit A, on file with the Office of Legislative Services, are deemed to be potentially suitable locations for a TOD Zoning Overlay District:

103 rd Street  
Arlington Central  
Art Museum Drive  
Baymeadows Road  
Cedar Hills Boulevard  
Collins Road  
Emerson Street  
Morse Avenue  
San Juan Avenue  
Shipyards (formerly Maxwell House)  
Townsend Road  
University Boulevard (Town and Country)  
Wilson Boulevard

○ **PUD meets the intent of the Overlay**

- The PUD offers a connection to the adjacent RaceTrac gas station. This is a mixed-use area.
  - The CRA Development Plan mentions mixed use in the context of mixed-use corridors.
- **ISSUE 4 on Page 3, ¶1** – Per “Design Guidelines” 656.399.62.E.3.(a)(5)(iv): The creation of internal urban blocks, arranged to create a primary “Main Street”, or internal street grid pattern shall be a focus of urban site designs that exceed 90,000 sf; **NOT A MANDATE.**

- This section requires it to be a “focus” of site design.
  - Primary “Main Street” is provided.
  - Revised site plan implements main street that is 24 feet wide with parking on both sides. This road design is similar to that used in San Marco, Riverside, Avondale and the beaches.
  - Site plan utilizes grid pattern.
- **ISSUE 5 Page 3, ¶2** – The written description states the access easement from Merrill Road “acts as the Main Street”. There is no street proposed; **NOT A MANDATE**
    - Section 656.399.62.E.3.(a)(5)(iv): The creation of internal urban blocks, arranged to create a primary “main street”, or internal street grid pattern shall be a focus of urban site designs that exceed 90,000 sf.
    - The easement is clearly a main thoroughfare for the development. It is 24 feet wide with parking on both sides. This road design is similar to that used in San Marco, Riverside, Avondale and the beaches. **PUD Site Plan meets the intent and creates a focus.**
    - Overlay utilizes quotation marks when referring to “Main Street”. The use of quotation marks means a figurative use, rather than a literal use. The drafter could have used the term “Street” which is defined in the Zoning Code but they did not use this term.
    - Overlay also allows for the alternative of an internal street grid pattern. Drives exist throughout the development allowing vehicle and pedestrian connection to each building. Afterall, what is the “purpose” of a grid network?
  - **ISSUE 6 Page 3, ¶3** – The proposed apartments do not provide complete streets design that is focused on pedestrians and bicycle access and there is no shared public space.
    - Section 656.399.55. *Intent.*
      2. Establish a Complete Streets program throughout the Redevelopment Area with the intent of providing safe passage for all.
    - The PUD offers connections to the southern and western adjacent parcels. Eastern parcels are not feasible because single-family development has been built out.
    - There are programmed sidewalks on the drive connecting the southern parcel, allowing safe access for pedestrians.

- Bicycle parking will be provided pursuant to Code
- Site plan has been amended to provide public space (pocket park)
- **ISSUE 7 Page 3, ¶4** – Sidewalks should be at least 6’ wide
  - Will provide.
- **ISSUE 8 Page 3, ¶5** – Site layout does not provide appropriate height scale transition/buffers adjacent to single family
  - Could not locate Overlay provision requiring or explaining what constitutes “appropriate height scale transition/buffers adjacent to single family”
  - Overlay calls for 10’ max side yard setbacks; 656.1216(a) calls for uncomplimentary buffer which can be added as a condition.
  - Max height is 35 feet. RMD-A (existing zoning) allows 45 feet max height at 10’
  - MDR is compatible with adjacent LDR per the Comprehensive Plan and a 10’ setback is considered an appropriate transition from MDR to LDR uses.
- **ISSUE 9 Page 3, ¶6** – Orientation of the building places 30 ac units immediately adjacent and within 10’ of two single family homes
  - Will relocate AC units adjacent to single family homes to sides of buildings
  - Also, FYI, 656.403(a)(3) permits AC units within side setbacks but no closer than 2’ from the lot line.
- **ISSUE 10 Page 3, ¶7** – The pond design is rectangular/linear and is not incorporated as an amenity or public space; **NOT A MANDATE**
  - § 656.399.62.E.3.(a)(1): Retention/detention ponds or drainage conveyance should be incorporated as an amenity into the site design wherever possible. Additionally, proposed site development or building additions should determine if stormwater storage credits are available from CRA area-wide drainage improvements prior to initiating site design.
    - (2) Aggregated water features should be incorporated into Public Spaces when possible.
    - (3) Rectangular or linear shaped ponds should be avoided where visible from the street.

- PUD provides for 3 ponds and each is an amenity to the site design with walking pathways around, near playground, dog wash, pool and clubhouse.
- Not possible to incorporate into a public space given the existing land use designation and development plan.
- Pond is interior to the parcel, screened from Merrill Road, partially screened from Main Street, and is not “rectangular” or “linear”. Compare also to pond shown on Brian Wheeler Plan.
- Add a condition regarding the shape of the pond.
- **ISSUE 11 Page 3, ¶8** – Pedestrian circulation should be considered in design of pond slopes. Water features should be incorporated into public spaces
  - A pathway is proposed around the main pond, pond slopes are taken into account and water feature added. Other comments addressed above.
- **ISSUE 12 Page 3, ¶9** – The redlined copy is unclear on actual building height. A building height of 45’ is inconsistent with overlay, unless incorporating ground floor office/commercial
  - Site plan shows max 35’ height.
  - **PUD copies Overlay verbatim:** Thirty-five (35) feet for single-use structures. Multiuse or mixed-use structures may have a maximum height of 45 feet; provided, however, that height may be unlimited where all required yards are increased by one foot for each foot of building height or fraction thereof in excess of 45 feet.
- **ISSUE 13 Page 4, ¶10** – We would like to see architectural plans for further evaluation of the buildings/AC units facing Merrill
  - Will provide as a condition during permitting.
- **ISSUE 14 Page 4, ¶11** – All building form materials / screening / fencing / lighting requirements of Overlay should be required.
  - PUD requires them already. Can add as a condition to legislation.