

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

City Hall at St. James  
117 W. Duval St.  
Jacksonville, FL 32202  
(904) 630-CITY  
www.coj.net

November 3, 2022

The Honorable Terrance Freeman, President  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
City Hall  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report  
Ordinance No.: 2022-731**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

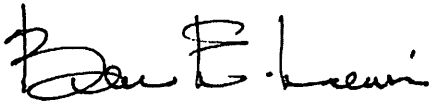
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 7-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Aye
Joshua Garrison	Absent
David Hacker	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis  
City Planner Supervisor – Current Planning Division  
City of Jacksonville - Planning and Development Department  
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Jacksonville, FL 32202  
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## **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 2022-731**

**AN ORDINANCE AMENDING SECTION 654.139 (ENFORCEMENT), CHAPTER 654 (CODE OF SUBDIVISION REGULATIONS), ORDINANCE CODE, AUTHORIZING DEVELOPMENT OF UP TO FIFTY PERCENT OF LOTS WITHIN A SUBDIVISION PRIOR TO FINAL PLAT APPROVAL SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.**

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

The bill amends Chapter 654 (Code of Subdivision Regulations) to allow up to 50% of residential lots to receive building permits prior to final plat approval subject to review and approval by the City and JEA.

#### **II. EVALUATION**

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

This change will allow residential development to proceed under certain circumstances when it is clear that the platting process will ultimately result in final plat approval. This will assist in addressing the continued demand for new housing.

##### **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.**

The Comprehensive Plan is silent with regards to the platting process.

#### **III. RECOMMENDATION**

The Planning and Development Department recommends that **Ordinance 2022-731** be **approved**.

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2022-731**

5 AN ORDINANCE AMENDING SECTION 654.139  
6 (ENFORCEMENT), CHAPTER 654 (CODE OF SUBDIVISION  
7 REGULATIONS), *ORDINANCE CODE*, AUTHORIZING  
8 DEVELOPMENT OF UP TO FIFTY PERCENT OF LOTS WITHIN  
9 A SUBDIVISION PRIOR TO FINAL PLAT APPROVAL  
10 SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR  
11 CODIFICATION INSTRUCTIONS; PROVIDING AN  
12 EFFECTIVE DATE.  
13

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

15 **Section 1. Amending Section 654.139 (Enforcement), Chapter 654**  
16 **(Code of Subdivision Regulations), *Ordinance Code*.** Section 654.139  
17 (Enforcement), Chapter 654 (Code of Subdivision Regulations),  
18 *Ordinance Code*, is hereby amended as follows:  
19

20 **CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS**

21 \* \* \*

22 **Sec. 654.139. - Enforcement; procedures for development prior to**  
23 **approval of final plat.**

- 24 (a) No plat or plan of a subdivision of land shall be recorded by  
25 the Clerk of the Circuit Court until the plat has received final  
26 approval in accordance with this Chapter.
- 27 (b) No person or his agent owning land within a proposed subdivision  
28 shall transfer or sell or agree to sell a lot or parcel of land  
29 located within a subdivision by reference to, by exhibition or  
30 by any other use of a plat of the subdivision before the plat  
31 has been approved ~~by ordinance~~ and has been recorded, unless

1 exempted by this Chapter. Notwithstanding the provisions of this  
2 subsection, nothing in this Chapter shall prohibit a developer  
3 from agreeing to sell land located within a proposed subdivision  
4 to a builder or co-developer who desires to develop and build  
5 upon the land for resale purposes. The developer shall be  
6 permitted to refer to, exhibit or otherwise use a plat of the  
7 proposed subdivision in connection with an agreement to sell  
8 before the plat has been approved ~~by ordinance~~ and recorded;  
9 provided, however, that no document shall be recorded in the  
10 public records of Duval County, Florida, referring to or  
11 attaching a copy of a plat of a subdivision before the plat has  
12 been approved ~~by ordinance~~ and recorded, unless the plat is  
13 exempted from this Chapter by other provisions thereof or by the  
14 Council.

15 (c) No street number and no building permit shall be issued for the  
16 erection of a building in the City on a lot, tract or parcel of  
17 land which violates the provisions of this Chapter.

18 (d) Upon a request by the developer at Civil Plans submittal, the  
19 Department may allow up to 50% of the lots within a proposed  
20 subdivision to be developed, but not occupied, so long as the  
21 developer or owner meets the following conditions:

22 (1) Prior to Civil Plans submittal to the Department, the  
23 developer shall submit the development proposal to JEA for  
24 review. The submittal to JEA must, at a minimum, include  
25 a sheet identifying the lots being requested for home  
26 construction prior to platting. JEA may require from the  
27 developer any information necessary to understand the  
28 entire proposal.

29 (2) Once JEA has granted preliminary approval, consistent with  
30 Section 654.108, the Department will review the preliminary  
31 site plan, the preliminary and final engineering plans for

1 the required improvements, and the sheet identifying the  
2 lots being requested for home construction prior to  
3 platting as approved by JEA. The Department reserves the  
4 right to deny authorization for development on a specific  
5 lot or lots to protect City interests.

6 (3) The project must have received preliminary plat approval  
7 consistent with Section 654.109. The preliminary plat  
8 approval is valid for twelve months from the date the  
9 Department grants the approval.

10 (4) The Developer or owner shall provide a Guarantee consistent  
11 with Section 654.110(d) as if they were seeking Plat  
12 approval prior to the required improvements being  
13 constructed. However, the release of any guarantee based  
14 on construction of the required improvements is limited to  
15 50% of the amount of the guarantee until the project is  
16 platted.

17 (5) The developer or owner shall provide a Warranty consistent  
18 with Section 654.110(e).

19 (6) A Certificate of Occupancy shall not be issued until the  
20 plat is approved by JEA and the Department and recorded in  
21 the current public records of Duval County, Florida.

22 **Section 2. Codification Instructions.** The Codifier and the  
23 Office of General Counsel are authorized to make all chapter and  
24 division "tables of contents" consistent with the changes set forth  
25 herein. Such editorial changes and any others necessary to make the  
26 Ordinance Code consistent with the intent of this legislation are  
27 approved and directed herein, and changes to the Ordinance Code shall  
28 be made forthwith and when inconsistencies are discovered.

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

1

2 Form Approved:

3

4           /s/ Susan Grandin          

5 Office of General Counsel

6 Legislation Prepared by: Susan Grandin

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