

City of Jacksonville, Florida

Lenny Curry, Mayor

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

February 3, 2022

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2021-534**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond 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**

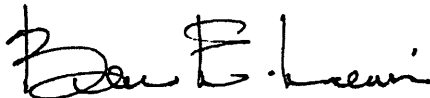
Planning Commission Recommendation: **Deny**

Planning Commission Commentary: There were several speakers in support and one speaker in opposition. The Commissioners felt the overlay was too large and not specific enough, unfair for owners who want to develop their property, there is already a process for rezoning and there is no need for another layer of legislation.

Planning Commission Vote:	5-2
David Hacker, Chair	Nay
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Nay
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	Absent
Jason Porter	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
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
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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 2021-534

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, CREATING NEW SUBPART T (CEDAR POINT - SAWPIT ZONING OVERLAY) WITHIN PART 3 (SCHEDULE OF DISTRICT REGULATIONS); ADOPTING THE ZONING OVERLAY MAP AND DIRECTING PUBLICATION; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Chapter 656 (Zoning Code), Ordinance Code, to create a new Subpart T known as the Cedar Point – Sawpit Zoning Overlay District.

II. EVALUATION

A. The need and justification for the change

Within the geographic boundaries of the new overlay, housing density is limited to one dwelling unit per net acre. Additionally, existing lots that do not contain at least one net acre of developable uplands at the time this bill is adopted will be considered conforming lots for the purposes of allowing one single family dwelling without the need for a rezoning or administrative deviation to address lot area.

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 promoting and sustaining the viability of existing and emerging residential areas.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2021-534 be approved.**

Cedar Point - Sawpit Zoning Overlay Area

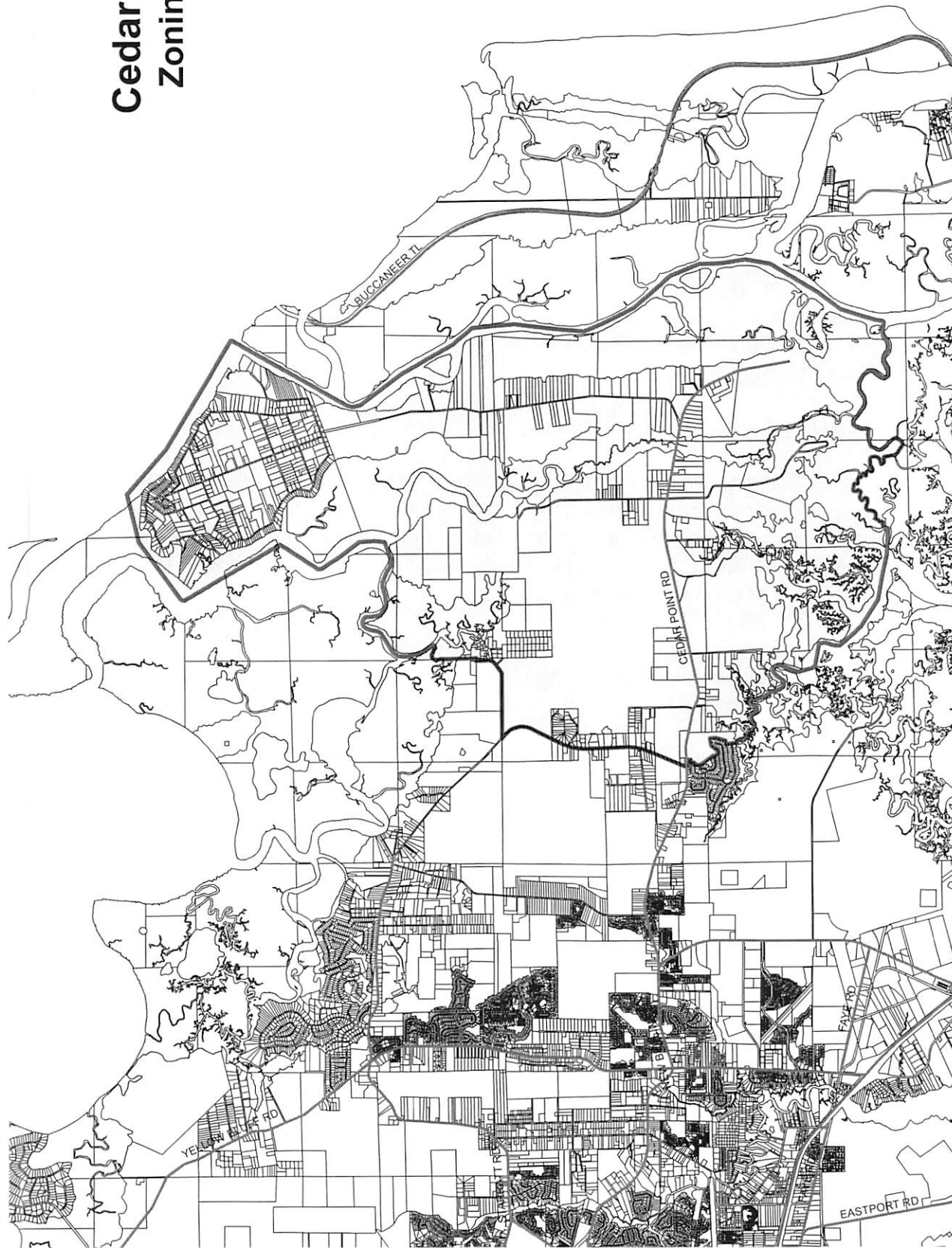


FIGURE 1

CEDAR POINT - SAWPIT ZONING OVERLAY

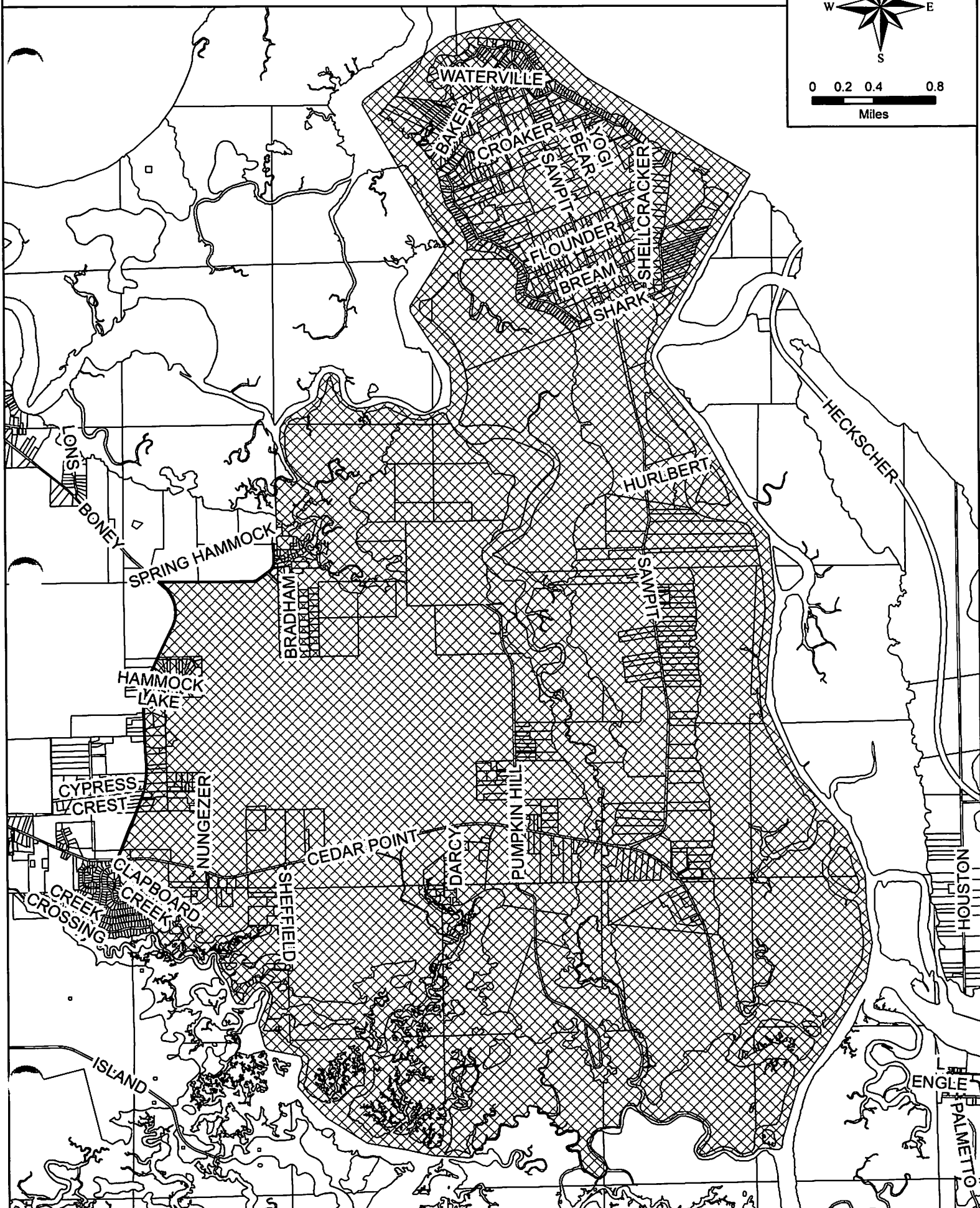
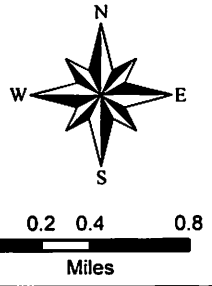


FIGURE 2

1 Introduced by Council Member Ferraro:
2
3

4 **ORDINANCE 2021-534**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
6 CODE), *ORDINANCE CODE*, CREATING NEW SUBPART T
7 (CEDAR POINT - SAWPIT ZONING OVERLAY) WITHIN
8 PART 3 (SCHEDULE OF DISTRICT REGULATIONS);
9 ADOPTING THE ZONING OVERLAY MAP AND DIRECTING
10 PUBLICATION; PROVIDING AN EFFECTIVE DATE.
11

12
13 **BE IT ORDAINED** by the Council of the City of Jacksonville:

14 **Section 1. Creating a new Subpart T (Cedar Point - Sawpit**
15 **Zoning Overlay) of Part 3 (Schedule of District Regulations) of**
16 **Chapter 656 (Zoning Code), *Ordinance Code*.**

17 New Subpart T (Cedar Point-Sawpit Zoning Overlay), Part 3
18 (Schedule of District Regulations), Chapter 656 (Zoning Code),
19 *Ordinance Code*, is hereby created to read as follows:

20 **CHAPTER 656. ZONING CODE**

21 * * *

22 **Part 3. Schedule of District Regulations**

23 * * *

24 **SUBPART T. CEDAR POINT - SAWPIT ZONING OVERLAY**

25 **Sec. 656.399.70 PURPOSE AND INTENT.**

26 It is the purpose and intent of this Subpart T to create and
27 establish a Cedar Point - Sawpit Zoning Overlay which will protect
28 the area from overdevelopment in this unique rural section of the
29 City of Jacksonville by limiting the housing density to one (1)
30 dwelling unit per one (1) net acre of land. "Net acre" is defined
31 as the area of land above the jurisdictional wetland boundary as

1 determined by the state and federal agencies tasked with that
2 determination. Additionally, this Zoning Overlay will protect and
3 enhance the Zoning Overlay area's unique aesthetic and physical
4 appearance; improve property values; and promote an environment
5 that is visually appealing and safe for all modes of
6 transportation. Any deviations from this maximum density shall
7 require a super majority vote of the Council.

8 It is not the intent of this ordinance to encourage larger
9 parcels to be divided into one net acre lots. Rather, this Zoning
10 Overlay shall be used as the statement of legislative intent of the
11 Council to discourage increased density within the Cedar Point -
12 Sawpit Zoning Overlay area in all future rezoning and Future Land
13 Use Map amendment requests.

14 **Sec. 656.399.71. LEGISLATIVE FINDINGS.**

15 The Council hereby finds and determines as follows:

- 16 A. The portion of Jacksonville that is located east of Boney
17 Road and accessed by Cedar Point Road, Sawpit Road and
18 their feeder local roads is defined by its rural character
19 and contains some of the most pristine natural beauty
20 within the County, and has been described as "Old Florida."
21 B. The Preservation Project Jacksonville funded by the Better
22 Jacksonville Plan in the early 2000's was instrumental in
23 the acquisition of park and conservation land including
24 Pumpkin Hill Creek Preserve, Cedar Point Preserve, and
25 Betz-Tiger Point Preserve. The City's Parks, Recreation and
26 Community Services Department has recently branded that
27 area as the "7 Creeks Recreation Area."
28 C. Cedar Point Road, starting at Boney Road and going east is
29 a dead-end road with a length of approximately 4.72 miles.
30 Traveling Cedar Point Road to Sawpit Road to the northern
31 end of Black Hammock Island is also a dead-end and equates

1 to approximately 8.72 miles in length.

2 D. The City's Adaptation Action Area ("AAA boundary"), which
3 takes into consideration Category 3 storm surge and the
4 Federal Emergency Management Agency's 500-year flood plain
5 (2019), indicates that most of the land within the Cedar
6 Point - Sawpit Zoning Overlay is within the AAA boundary
7 and is at risk for more frequent and intense storm surge
8 and sea level rise.

9 E. Limiting the density in this Zoning Overlay to one (1)
10 dwelling unit per one (1) net acre of land will help with
11 evacuations in the event of a hurricane or fire emergency.

12 F. Existing lots that do not contain at least one net acre of
13 developable non-jurisdictional uplands shall not be
14 considered "nonconforming lots" and may be developed as
15 single family dwellings as if this Zoning Overlay were not
16 in place. However, no lot existing as of July 1, 2021
17 shall be divided to create a lot or lots smaller than at
18 least one net acre of land.

19 G. The Planning Commission and the Land Use and Zoning
20 Committee considered this density restriction, held public
21 hearings and made their recommendations to the Council.

22 H. Based on the foregoing findings, the Council hereby
23 establishes the Cedar Point - Sawpit Zoning Overlay (the
24 "Zoning Overlay") regulation contained in this Subpart T,
25 of Part 3, of the Zoning Code for the purpose of
26 controlling the density the Overlay area by limiting growth
27 to no more than one (1) dwelling unit per one (1) net acre
28 of land.

29 **Sec. 656.399.72. BOUNDARIES OF CEDAR POINT - SAWPIT ZONING OVERLAY**
30 **AREA.**

31 This Zoning Overlay is generally described as containing the

1 lands accessed along Cedar Point Road, beginning at Bogey Branch
2 (Creek) and heading east, and accessed along Sawpit Road and its
3 local road connections. Within the City of Jacksonville, the
4 Cedar Point - Sawpit Zoning Overlay Area shall be defined as the
5 lands contained within the boundary shown below in **Figure 1 and**
6 **Figure 2**, and hereby adopted as the Cedar Point - Sawpit Zoning
7 Overlay Area (the "Overlay Area") by the City Council. Figure 1
8 shows the context of the Overlay Area while Figure 2 shows the
9 roads within the Overlay Area.

10
11 [INSERT COLOR VERSION of EXHIBIT 1 to ORDINANCE 2021-XXX-E,
12 which contains Figure 1 and Figure 2,
13 HERE]

14
15
16 **Figure 1: Cedar Point - Sawpit Zoning Overlay Area**

17
18 **Sec. 656.399.73. APPLICABILITY.**

19 This Zoning Overlay is applicable to all parcels within the
20 Cedar Point - Sawpit Zoning Overlay Area. However, parcels that
21 were created prior to July 1, 2021 are exempt from the requirement
22 that the lot size be a minimum of one net acre, but those lots may
23 not be further reduced in size.

24 **Sec. 656.399.74. SEVERABILITY**

25 If any subsection or other portion of this Subpart or any
26 application thereof to any person or circumstances is declared to
27 be void, unconstitutional or invalid for any reason, such
28 subsection or other portion, or the proscribed application thereof,
29 shall be severable and the remaining provisions of this Subpart and
30 all applications thereof not having been declared void,

1 unconstitutional or invalid shall remain in full force and effect.
2 The Council declares that no invalid or proscribed provision or
3 application was an inducement to the enactment of this Subpart and
4 that it would have enacted this Subpart regardless of the invalid
5 or proscribed provision or application.

6 **Sec. 656.399.75. DEFINITION OF "NET ACRE".**

7 "Net acre" means the area of land lying above the
8 jurisdictional wetland boundary as defined and determined by the
9 state and federal agencies tasked with that determination.

10 **Section 2. Adopting the Cedar Point - Sawpit Zoning**
11 **Overlay Map and providing for publication.** The Council hereby
12 adopts the Cedar Point - Sawpit Zoning Overlay map as depicted in
13 **Exhibit 1**, attached hereto, and directs the Planning and
14 Development Department to publish the Cedar Point - Sawpit Zoning
15 Overlay Area maps in high resolution on the City of Jacksonville
16 webpages for the Zoning Atlas with a copy of this Ordinance, as
17 enacted. Also, Legislative Services is directed to transmit this
18 high resolution maps to Municode for color publication in the
19 codification of this ordinance as indicated in Section 656.399.72
20 of the ordinance above.

21 **Section 3. Effective Date.** This ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Susan Grandin

28 Office of General Counsel

29 Legislation Prepared By: Susan C. Grandin

30 GC-#1446253-v1-Cedar_Point_Overlay.doc