

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

January 7, 2021

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-730**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan 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**

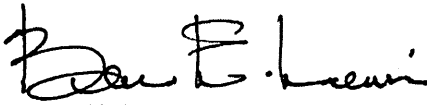
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	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, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
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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 2020-730

AN ORDINANCE REGARDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE; AMENDING SECTION 656.401 (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), PART A (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), PART 4 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO PERMIT SWIMMING LESSONS AS A HOME OCCUPATION, SUBJECT TO PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The Zoning Code allows home occupations in residential areas subject to certain performance standards and development criteria. Among the standards is a prohibition on outdoor activity or use of an accessory structure not attached to the principal structure. Recently a homeowner was cited for offering swimming lessons in their swimming pool at their residence. Because of the limitations on home occupations, the only remedy apart from ceasing operations was to rezone the property to a Planned Unit Development (PUD), thereby creating a spot zone. This bill will clarify that swimming lessons are allowed as a home occupation. The bill also adds performance standards to address compatibility issues since this activity will occur in residential areas.

II. EVALUATION

A. The need and justification for the change

Home occupations allow for a range of uses, including piano lessons and one chair hair salons. However, since these types of home occupations occur indoors, homeowners are generally able to comply with the home occupation regulations. There is a clear public benefit to promoting swimming lessons. This bill includes standards to mitigate the impact of swimming lessons in residential neighborhoods.

B. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent to swimming lessons, but it does allow for home occupations in residential areas subject to the requirements of the Zoning Code.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2020-730** be **APPROVED**.

1 Introduced by Council Member Freeman:
2
3

4 **ORDINANCE 2020-730**

5 AN ORDINANCE REGARDING CHAPTER 656 (ZONING
6 CODE), *ORDINANCE CODE*; AMENDING SECTION 656.401
7 (PERFORMANCE STANDARDS AND DEVELOPMENT
8 CRITERIA), PART A (PERFORMANCE STANDARDS AND
9 DEVELOPMENT CRITERIA), PART 4 (SUPPLEMENTARY
10 REGULATIONS), CHAPTER 656 (ZONING CODE),
11 *ORDINANCE CODE*, TO PERMIT SWIMMING LESSONS AS A
12 HOME OCCUPATION, SUBJECT TO PERFORMANCE
13 STANDARDS AND DEVELOPMENT CRITERIA; PROVIDING AN
14 EFFECTIVE DATE.
15

16 **WHEREAS**, no child is ever water safe, and the goal of swimming
17 lessons is to make children SAFER in, on, and around water; and

18 **WHEREAS**, 79% of children in households with incomes less than
19 \$50,000 have little to no swimming ability; and

20 **WHEREAS**, research shows 64% of African-American, 45% of
21 Hispanic/Latinx, and 40% of Caucasian children have little to no
22 swimming ability; and

23 **WHEREAS**, 10 people drown each day in the United States; and

24 **WHEREAS**, formal swimming lessons reduce the likelihood of
25 childhood drowning by 88%; and

26 **WHEREAS**, the City Council supports reducing development barriers
27 to providing swimming lessons within the City of Jacksonville; now,
28 therefore

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

30 **Section 1.** Amending Section 656.401 (Performance Standards
31 and Development Criteria), Subpart A (Performance Standards and

1 Development Criteria), Part 4 (Supplementary Regulations), Chapter
2 656 (Zoning Code), Ordinance Code. Section 656.401 (Performance
3 Standards and Development Criteria) is hereby amended to read as
4 follows:

5 Chapter 656 - ZONING CODE

6 * * *

7 PART 4. - SUPPLEMENTARY REGULATIONS

8 SUBPART A. - PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA

9 Sec. 656.401. - Performance standards and development criteria.

10 It is the intent of the City of Jacksonville that these
11 supplementary regulation standards and criteria be read in addition
12 to, rather than in lieu of, any other requirement in this Chapter.
13 The following uses, whether permitted or permissible by exception,
14 must meet the criteria listed under each use as a prerequisite for
15 further consideration under this Zoning Code.

16 * * *

17 (v) ~~Reserved.~~ Swimming lessons.

18 (1) Swimming lessons are permitted as home occupations
19 which are a permitted use, or as home occupations which are a
20 permissible use by exception, subject to all criteria for home
21 occupations in subsection (n), except as otherwise provided, or
22 modified, by this subsection.

23 (2) The swimming pool may be above ground or in ground,
24 may be any size, and may be enclosed with a screen or unenclosed.

25 (3) Adequate off-street area for parking shall be
26 provided and vehicles shall not park in the right-of-way.

27 (4) Where contiguous to a residentially-zoned property,
28 a six-foot visual barrier, not less than 95 percent opaque, shall be
29 provided along the property line, excluding any required front yards.

30 (5) Hours of operation are limited to between 8:00 AM and
31 7:00 PM.

