

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

July 21, 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.: 2022-448**

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**

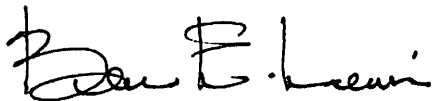
Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition and one speaker in support but had a concern that limiting the height to the height of the primary structure may be difficult with current building methods. The Commissioners had different opinions on the maximum height. Some felt that limiting was appropriate, some felt a garage apartment style would be appropriate.

Planning Commission Vote:	6-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Absent
Jordan Elsbury	Aye
Joshua Garrison	Aye
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
blewis@coj.net

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 2022-448

AN ORDINANCE AMENDING SECTION 656.403 (ACCESSORY USES AND STRUCTURES), SUBPART B (MISCELLANEOUS REGULATIONS), PART 4 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO ALLOW ACCESSORY DWELLING UNITS AS AN ACCESSORY USE IN RESIDENTIAL LAND USE CATEGORIES SUBJECT TO CERTAIN CRITERIA ; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Chapter 656 (Zoning Code), Ordinance Code, to allow accessory dwelling units as an accessory use in residential land use categories subject to certain criteria.

II. EVALUATION

A. The need and justification for the change

The Zoning Code already allows for accessory structures with bedrooms and bathrooms, but the addition of a full kitchen causes the accessory structure to meet the definition of a separate dwelling unit. Oftentimes, residential lots are only large enough for one dwelling unit. By making this change, the accessory dwelling unit will not count towards the lot density. This bill includes language designed to assure that the accessory dwelling unit will be subordinate and incidental to the principal structure.

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 complements Ordinance 2022-447 which amends the Future Land Use Element of the Comprehensive Plan to allow accessory dwelling units.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2020-448** be approved.

1 Introduced by Council Members Diamond, Boylan, Dennis, Gaffney and
2 White:

3
4
5 **ORDINANCE 2022-448**

6 AN ORDINANCE AMENDING SECTION 656.403 (ACCESSORY
7 USES AND STRUCTURES), SUBPART B (MISCELLANEOUS
8 REGULATIONS), PART 4 (SUPPLEMENTARY
9 REGULATIONS), CHAPTER 656 (ZONING CODE),
10 *ORDINANCE CODE*, TO ALLOW ACCESSORY DWELLING
11 UNITS AS AN ACCESSORY USE IN RESIDENTIAL LAND
12 USE CATEGORIES SUBJECT TO CERTAIN CRITERIA;
13 PROVIDING FOR CODIFICATION INSTRUCTIONS;
14 PROVIDING AN EFFECTIVE DATE.

15
16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Amending Section 656.403 (Accessory uses and**
18 **structures), Subpart B (Miscellaneous Regulations), Part 4**
19 **(Supplementary Regulations), Chapter 656 (Zoning Code), Ordinance**
20 **Code.** Section 656.403 (Accessory uses and structures), Subpart B
21 (Miscellaneous Regulations), Part 4 (Supplementary Regulations),
22 Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended to read
23 as follows:

24 **Chapter 656 - ZONING CODE**

25 * * *

26 **PART 4. - SUPPLEMENTARY REGULATIONS**

27 * * *

28 **SUBPART B. - MISCELLANEOUS REGULATIONS**

29 * * *

30 **Sec. 656.403. - Accessory uses and structures; accessory dwelling**
31 **units.**

* * *

(g) Accessory dwelling units. Accessory dwelling units shall be allowed subject to the following criteria:

(1) Accessory dwelling units must be located behind the primary structure.

(2) There should be a visual relationship to the main house. For new structures this shall be accomplished through similar roof shape, porches, paint color, and other physical characteristics. For existing structures this shall be accomplished through similar paint color and other physical characteristics.

(3) The building footprint shall be limited to 25 percent of the gross floor area of principal structure on the lot, or 750 square feet, whichever is less.

(4) Accessory dwelling units shall not be located in a required yard.

(5) The maximum height of an accessory dwelling unit shall be limited per Section 656.403, Ordinance Code.

(6) The owner of the property with an accessory dwelling unit must reside in the principal structure.

(7) Accessory dwelling units shall be accessory to a conforming single-family dwelling.

Section 2. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "table of contents" consistent with the changes set forth herein. Such editorial changes and any other necessary to make the Ordinance Code consistent with the intent of this legislation are approved and directed herein, and the changes to the Ordinance Code shall be made forthwith and when inconsistencies are discovered.

Section 3. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Mary E. Staffopoulos

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