



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development
DATE:	02/14/2023
SUBJECT:	Ordinance No. 2023-8195 Charter Amendment to Increase the Building Height Limitation on the Latham Plaza Parking Lot Redevelopment Project

BACKGROUND

The Jacksonville Beach City Council completed a review of the City's Charter during 2021. During the review of Section 52, the City Council discussed potential changes to the current building height limitation of 35 feet in order to encourage redevelopment in the downtown core (Central Business District). The City Council hosted two public workshops to discuss potential changes to Section 52 in January and July of 2022. The workshops were well attended by the public, board members, and the City Council.

Following the workshops, staff prepared a proposed amendment to Section 52 of the Charter that would provide for a height bonus incentive of an additional 20 feet of building height in the Central Business District, if certain criteria are met. Conceptual criteria were presented at the workshops. Criteria would be further developed and incorporated into the Redevelopment Plan for the downtown CRA district. If this ordinance were to be approved by the City Council, the proposed charter amendment would be placed on the ballot for the general election to be held on May 16, 2023.

At the regular City Council meeting on February 6, 2023, Council voted to defer Ordinance No. 2023-8193 to the March 20, 2023 regular City Council meeting for consideration.

At the City Council briefing held on February 13, 2023, City Council discussed and came to a consensus to consider an alternative Charter amendment to increase the height on one specific City-owned property (*Latham Plaza Parking Lot*) located between 1st Street North, 2nd Street North, Latham Plaza, and the restaurant located at 111 Beach Boulevard, to a maximum height of 55 feet, for a future mixed-use redevelopment project. Ordinance 2023-8195 has been prepared as an alternative Charter amendment to Ordinance 2023-8193 that was deferred on February 6, 2023 to March 20, 2023.

FINANCIAL IMPACT

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8195 on the first reading for a Charter amendment to increase the building height limitation on City Property, Latham Plaza Parking Lot, and schedule a second reading for March 20, 2023

ATTACHMENTS

1. Ordinance No. 2023-8195

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2023-8195

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF THE CITY OF JACKSONVILLE BEACH A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING A BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE FOR APPROVED AMENDMENTS, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the members of the City of Jacksonville Beach (“City”) City Council have, in public meetings, studied, and reviewed the City of Jacksonville Beach Charter (the “Charter”) and received public input regarding the proposed amendment to the Charter; and

WHEREAS, the City desires to encourage the development and redevelopment of properties in the Central Business District; and

WHEREAS, the City Council has expressed interest in increasing the maximum building height from 35 feet to 55 feet on certain property located within the Central Business District for a redevelopment project; and

WHEREAS, public workshops to discuss amending the Charter in regard to height were held on January 12, 2022 and July 11, 2022; and

WHEREAS, the City Council has reviewed Section 52 of the Charter to consider changes which, if adopted by the electorate, would serve to amend the language of the Charter; and

WHEREAS, the City Council finds it to be in the best interest of its citizens to submit said proposed charter amendment to the voters at the general election on May 16, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~strikethrough~~ type.

SECTION 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections of Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendment shall be submitted to the voters at the May 16, 2023 election.

SECTION 3. The proposed amendment, the ballot title, and the wording of the substance of the proposed amendment to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of the question affixed to this Ordinance as Exhibit 1.

SECTION 4. The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 6. All ordinances and Charter provisions, or parts of ordinance and Charter provisions in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provision proposed for approval in this Ordinance shall become effective upon its approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney

EXHIBIT 1

Explanation, Ballot, Title, Question, Summary, and Text Reference

Question – Downtown Density Bonus Incentive

A. Explanation.

This Charter amendment would allow for an increase of up to an additional 20 feet, for a total building height of 55 feet, for a redevelopment project on City-owned property, located within the Central Business District, within the boundaries of 1st Street North, 2nd Street North, Latham Plaza, and 111 Beach Boulevard.

B. Ballot Proposal: The ballot title, summary, and question are as follows:

Title:

Increase building height up to an additional 20 feet for the Latham Plaza Parking Lot.

Summary:

The City may exempt a certain City-owned property from the 35 feet building height limit to redevelop the City-owned property bounded by 1st Street North, 2nd Street North, Latham Plaza, and 111 Beach Boulevard for a maximum building height of 55 feet for a mixed-use redevelopment project with parking structure.

Question:

Shall the Jacksonville Beach Charter be amended to allow the redevelopment of a City-owned property bounded by 1st Street North, 2nd Street North, Latham Plaza, and 111 Beach Boulevard, exempting the property from the 35 feet height limit, to allow a maximum building height of 55 feet for a mixed-use redevelopment with a parking structure?

_____ Yes

_____ No

C. Text References: Chapter 9, Section 52 (2)(b), (c), (d), (e); all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “Proposed Amendment” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing.)

City of Jacksonville Beach Charter – Proposed Amendment

(Additions underlined; deletions ~~strikethrough~~)

Chapter IX. Enumeration of Particular Powers

Section 52. - Zoning authority.

- (1) The City of Jacksonville Beach may, in the interest of public health, safety, order, convenience, comfort, prosperity or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, dwelling or other uses of property as authorized and provided by general state law.

- (2) (a) In order to further protect the public health, safety, general welfare, and aesthetics, no new building height shall exceed thirty-five (35) feet, nor shall any existing building be altered to cause it to exceed a building height of thirty-five (35) feet, except the City shall have the power to redevelop the City-owned property bounded by 1st Street North, 2nd Street North, Latham Plaza, and 111 Beach Boulevard to a building height maximum not to exceed 55 feet, for a mixed-use redevelopment project with parking structure.

- (b) Building height means the vertical distance from the elevation of the crown of the road of the nearest adjacent roadway at the center of the front of the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for hip, gable and gambrel roofs.

- (c) The height limits do not apply to spires, belfries, cupolas, flagpoles, antennas, water tanks, fire towers, cooling towers, ventilators, chimneys, radio and television towers, elevator hoistways, not intended for human occupancy.

- (d) Buildings in existence or with approved construction permits or adopted Planned Unit Developments on or before the effective date of this amendment, may be completed, repaired, or rebuilt to a height not to exceed the previously existing height, within the same building footprint, subject to any other applicable state, federal or local laws. The height limits are not intended to restrict or otherwise adversely affect a property owner's vested rights under constitutional, statutory or common law. If it is determined by a court of competent jurisdiction that a landowner has vested rights, the landowner can elect to proceed with development under the Land Development Code in effect on the date of the adoption of this amendment.

- (e) Those parts of any ordinances in conflict with this section are hereby repealed. This section becomes effective upon adoption.