

Introduced by: Council Member Cory Nichols
1st Reading: March 6, 2023
2nd Reading: March 20, 2023

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 ~~striketrough~~ 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 20th **DAY OF** March, **A.D., 2023.**

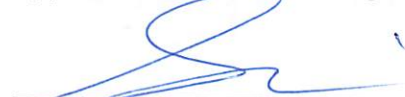


Christine H. Hoffman, Mayor



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.