

Introduced by Council Member Holt and amended on the floor of Council:



ATTACH.tif

ORDINANCE 2014-147-E

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*; CREATING NEW SUBPART Q (BLACK HAMMOCK ISLAND OVERLAY), SECTION 656.399.50 (BLACK HAMMOCK ISLAND OVERLAY), *ORDINANCE CODE*, ADOPTING A BLACK HAMMOCK ISLAND ZONING OVERLAY CONCERNING THE HEIGHT OF FRONT YARD FENCES ON BLACK HAMMOCK ISLAND, IN THE GENERALLY THE AREA WEST OF THE ATLANTIC OCEAN, SOUTH OF NASSAU COUNTY LINE, EAST OF CEDAR POINT ROAD; PROVIDING FOR ADOPTION OF OVERLAY MAP AND PUBLICATION OF APPROVED MAP AND ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Black Hammock Island, with its rich and unique history dating back several hundred years, was essentially vacant and undisturbed until the 1970s when a few families began to inhabit the island drawn to its rural character, aesthetic appeal, and quality of life for Black Hammock Island residents; and

WHEREAS, until the early 1990s Black Hammock Island was zoned Open Rural, which allowed for farming, cattle raising, limited residential on low density lots and other rural uses; and

WHEREAS, in 1991, the City, through the state mandated comprehensive planning process set forth in Chapter 163, Florida Statutes, adopted the 1990 Comprehensive Plan and approved corresponding, complimentary zoning districts in the Zoning Code which amended the Open Rural zoning district to the zoning district

now known as Rural Residential Acre; and

WHEREAS, due to the rural and rustic nature of Black Hammock Island, which is in great contrast to the urban and suburban residential zoning districts in the greater Jacksonville area, residents have constructed fences in and along their front yard boundaries for safety and security; and

WHEREAS, there was no restriction on the height of front yard fences in the Open Rural zoning district when many of the fences were constructed, but currently the Rural Residential Acre zoning district is limited by the provisions of Section 656.402 of the Zoning Code; and

WHEREAS, the Council recognizes the unique character and history of Black Hammock Island and finds that front yard fences up to six (6) feet in height and not more than 50% opacity are appropriate within the limited confines of Black Hammock Island and desire to create an overlay to acknowledge the local character and historical integrity of the area without having an adverse impact on the quality of life and aesthetic appeal of the area; now therefore

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

Section 1. Findings Adopted. The Council hereby adopts the above findings and incorporates them herein by reference.

Section 2. Creating a new Section 656.399.50 (Black Hammock Island Overlay), Chapter 656 (Zoning Code), Ordinance Code.

A new Section 656.399.50 (Black Hammock Island Overlay), Chapter 656 (Zoning Code), Subpart Q, *Ordinance Code*, is hereby created to read as follows:

CHAPTER 656. ZONING CODE

*** * ***

SUBPART Q. BLACK HAMMOCK ISLAND OVERLAY

*** * ***

1 **Sec. 656.399.50. Black Hammock Island Overlay.** The Council
2 finds that permitting fences greater than four (4) feet of height
3 in the required front yard of residentially zoned districts on
4 Black Hammock Island is appropriate and justified based on the
5 local character and historical integrity of the area subject to
6 certain limitations enumerated below. The maximum height of a fence
7 located within the required front yard in the Black Hammock Island
8 Overlay is six (6) feet in height provided that the fence is not
9 more than 50 percent opaque. The Black Hammock Island Overlay area
10 is visually depicted in **Revised Exhibit 1** and generally described
11 as the area west of the Atlantic Ocean, South of the Nassau County
12 line, and east of Cedar Point Road. These requirements shall not
13 apply to any federal, state or city owned or controlled park
14 properties. This provision shall specifically supersede any other
15 provisions in Chapter 656.

16 **Section 3. Adopting Overlay Map and providing for**
17 **publication.** The Council hereby adopts the Black Hammock Island
18 Overlay as depicted in **Revised Exhibit 1 attached hereto** and
19 directs the Planning and Development Department to publish the
20 Black Hammock Island Overlay map on the City of Jacksonville
21 Website with a copy of this Ordinance, as enacted.

22 **Section 4. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Paige Hobbs Johnston

29 Office of General Counsel

30 Legislation Prepared By: Paige Hobbs Johnston

31 G:\SHARED\LEGIS.CC\2014\Ord\Holt Black Hammock Overlay.doc