

San Marco Zoning Overlay

by Lori Boyer

The San Marco zoning overlay was officially adopted November 23, 2004. The overlay is Jacksonville ordinance 2004-1105 and a full copy can be found on the city website: coj.net. The area covered by the overlay is from Cedar Street on the north to Craig Creek on the south and from the river on the West to Old Kings Road on the north east and the railroad tracks on the south east.

An overlay ordinance basically refines the zoning for a specific area to address specific concerns applicable to the designated area. In our case, our neighborhood consists of many platted subdivisions, most of which were planned and developed before 1945. A great many of those original plats depicted building restriction lines for the lots they created and the original homes and commercial buildings that comprise San Marco were built in accordance with those lines. Most plats specified a certain setback from the front or street right of way (the right of way line is generally the inside of the sidewalk where there are sidewalks), many specified a setback from the side lot line, and some included rear and riverfront setbacks. Some subdivisions also had recorded covenants adding additional conditions about structure height, size, etc. Most, if not all, of the covenants have expired by the terms of those documents. The lines on the plats remain and are probably enforceable among those who own property in the subdivision. However, as San Marco was merged into the City of Jacksonville, and various zoning codes were adopted and modified over time, the City no longer enforces those original plat lines but rather the setbacks, size and height limits established in the current zoning code. In some cases these are more restrictive and in some cases less restrictive. In either case, they are not consistent with what is actually built in our neighborhood.

As our neighborhood has prospered, and values have risen, we have seen increasing numbers of demolitions and new construction, as well as major renovations. Many property owners have complained to SMPS and our recent Council members that the new construction was out of scale, or blocked their view, or encroached on the consistent green space along the street. Individuals buying property in an established neighborhood arguably have reason to assume that the adjacent properties will remain somewhat consistent. This does not mean that styles, color, or size may not change but at least as to setbacks, height, and lot coverage there would be continuity with the original development plan. The Planning Department and former councilman Carlucci proposed the overlay as the solution and the concept was endorsed by SMPS.

A series of neighborhood meetings were held between May and July to seek input from property owners regarding what should be addressed in the overlay. The Lake Marco ordinance adopted last March was used as a template. The new ordinance basically adopted the platted lines as the operative setbacks where they existed and created setbacks from actual construction where none existed, established a 35 foot height limitation, and a lot coverage maximum of 35%. It also allows the reconstruction of existing detached garages that are closer to the property lines than current zoning would

allow. In commercial areas the ordinance addresses building frontage and parking locations to make redevelopment consistent with existing. There is a provision for administrative deviations that permit exceptions from the standards. Commercial and multifamily properties can still use PUD zoning to define site specific standards but after an opportunity for public input and City Council review. There are of course many other specifics. It was requested at a neighborhood meeting that in CRO zones, residential use would be allowed without special approval and this was included. Permissible fence heights were increased along the railroad tracks in response to other neighbor comments. Certainly the new ordinance is not perfect and it was not possible to address every unique issue. But it does take a big step in the direction of preserving the character of the neighborhood without unduly restricting property owners' rights to renovate and modify their homes and businesses. Thank you to Councilman Shad, Mike Herzberg, and the General Counsel's Office for all their hard work on this project.