

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 2019-879

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*; PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART S (RENEW ARLINGTON ZONING OVERLAY), SECTIONS 656.399.56 (BOUNDARIES OF ZONING OVERLAY AREA), 656.399.57 (APPLICABILITY), 656.399.59 (DEFINITIONS), SECTION 656.399.61 (ADMINISTRATIVE DEVIATIONS); CREATING NEW SECTIONS 656.399.63 (RENEW ARLINGTON DESIGN REVIEW (“RADR”) TEAM) AND 656.399.64 (RA/CRA ZONING OVERLAY ADMINISTRATIVE DEVIATIONS), TO CREATE A CONSOLIDATED REVIEW PROCESS WITHIN THE PLANNING AND DEVELOPMENT DEPARTMENT FOR PROPERTIES WITHIN THE RA/CRA ZONING OVERLAY AREA THAT WERE OUT OF CONFORMANCE WITH THE OVERLAY GUIDELINES FOR FENCES, LANDSCAPING/LANDSCAPE BUFFERS AND SIGNAGE ON JULY 1, 2019, AND ARE NOW REQUIRED TO CONFORM BY A DATE CERTAIN; PROVIDING A DIRECTIVE TO THE MUNICIPAL CODE CORPORATION TO INSERT A DATE CERTAIN; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends the Renew Arlington Zoning Overlay by creating new sections for the Renew Arlington Design Review (RADR) team and to create a consolidated review process within the Planning and Development Department for properties within the zoning overlay that are out of conformance with the overlay guidelines for fences, landscaping, landscape buffers, and signage.

II. EVALUATION

A. The need and justification for the change

Within the boundaries of the Renew Arlington Zoning Overlay, there are numerous properties subject to mandatory compliance with fencing, landscaping, and signage. Conformance is required no later than December 31, 2024 or five years plus 90 days after approval of grant program to help mitigate the cost of compliance by the Renew Arlington CRA Board. This bill creates a Renew Arlington Design Review Team composed of Planning and Development Department staff professionals to review proposed site designs for property owners faced with meeting the compliance elements without triggering the need for a complete civil engineering plan review. If the site plan requires an Administrative Deviation for relief, the RADR Team will provide a staff recommendation to the Zoning Administrator. This bill also creates specific Renew Arlington Zoning Overlay criteria for Administrative Deviations within the overlay.

B. Consistency with the Comprehensive Plan.

This bill is consistent with and furthers numerous Goals, Objectives, and Policies of the Comprehensive Plan Future Land Use Element:

FLUE Policy 1.1.8: Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage.

FLUE Policy 2.2.8: Encourage the redevelopment and revitalization of run-down and/or under-utilized commercial areas through a combination of regulatory techniques, incentives, and land use planning. Adopt redevelopment and revitalization strategies and incentives for private reinvestment in under-utilized residential and/or commercial areas where adequate infrastructure to support redevelopment exists.

FLUE Policy 3.2.2: The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Objective 6.3: The City shall accommodate growth in Jacksonville by encouraging and facilitation new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

III. RECOMMENDATION

The Planning and Development Department recommends that Ordinance 2019-879 be **APPROVED**.

1 Introduced by Council Member Morgan:
2
3

4 **ORDINANCE 2019-879**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE),
6 *ORDINANCE CODE*; PART 3 (SCHEDULE OF DISTRICT
7 REGULATIONS), SUBPART S (RENEW ARLINGTON ZONING
8 OVERLAY), SECTIONS 656.399.56 (BOUNDARIES OF
9 ZONING OVERLAY AREA), 656.399.57
10 (APPLICABILITY), 656.399.59 (DEFINITIONS),
11 SECTION 656.399.61 (ADMINISTRATIVE DEVIATIONS);
12 CREATING NEW SECTIONS 656.399.63 (RENEW
13 ARLINGTON DESIGN REVIEW ("RADR") TEAM) AND
14 656.399.64 (RA/CRA ZONING OVERLAY
15 ADMINISTRATIVE DEVIATIONS), TO CREATE A
16 CONSOLIDATED REVIEW PROCESS WITHIN THE PLANNING
17 AND DEVELOPMENT DEPARTMENT FOR PROPERTIES WITHIN
18 THE RA/CRA ZONING OVERLAY AREA THAT WERE OUT OF
19 CONFORMANCE WITH THE OVERLAY GUIDELINES FOR
20 FENCES, LANDSCAPING/LANDSCAPE BUFFERS AND
21 SIGNAGE ON JULY 1, 2019, AND ARE NOW REQUIRED TO
22 CONFORM BY A DATE CERTAIN; PROVIDING A DIRECTIVE
23 TO THE MUNICIPAL CODE CORPORATION TO INSERT A
24 DATE CERTAIN; PROVIDING AN EFFECTIVE DATE.

25
26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Chapter 656 (Zoning Code), PART 3. (SCHEDULE OF**
28 **DISTRICT REGULATIONS), SUBPART S. (RENEW ARLINGTON ZONING OVERLAY),**
29 **Ordinance Code, Amended.** Chapter 656 (ZONING CODE), PART 3. (SCHEDULE
30 OF DISTRICT REGULATIONS), Subpart S (Renew Arlington Zoning Overlay),
31 *Ordinance Code*, is hereby amended to read as follows:

1 **CHAPTER 656. ZONING CODE.**

2 * * *

3 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

4 * * *

5 **SUBPART S. RENEW ARLINGTON ZONING OVERLAY**

6 * * *

7 **Sec. 656.399.56. - Boundaries of ~~zoning overlay area~~ Zoning**
8 **Overlay Area.**

9 * * *

10 **Sec. 656.399.57. - Applicability.**

11 A. Unless otherwise stated in this Subpart, when the
12 regulations of this Zoning Overlay impose a different restriction
13 upon the use of buildings or land, or upon the height of buildings,
14 or require other conditions than are imposed or required by other
15 ordinances, other than those ordinances approving Planned Unit
16 Development (PUD) adopted prior to this Subpart, the provisions of
17 this Subpart shall control. Additionally, the parking requirements
18 of this Zoning Overlay shall supersede any conflicting parking
19 requirements set forth in Part 6 of the Zoning Code. It is intended
20 that this Subpart shall be applied to support the RA/CRA designation
21 and characteristics of the Redevelopment/Zoning Overlay Area and to
22 guide development and redevelopment to support the goals and
23 objectives contained in the Comprehensive Plan and the RA/CRA
24 Redevelopment Plan.

25 * * *

26 F. Unless otherwise specified in this Subpart, non-conforming
27 High Intensity Uses, as described in subsection 656.399.60, that are
28 located within any Character Area shall bring their existing non-
29 conforming development characteristics such as, but not necessarily
30 limited to, site layout; building form and finish materials; building
31 location; parking; lighting; walkways; and screening for non-

1 residential and multi-family uses into compliance upon either:
2 ~~reoccupation of the structure when such use ceases for more than six~~
3 ~~months; or upon a Major Renovation, as that term is defined in this~~
4 ~~Subpart.~~

5 1. Reoccupation of the structure when such use ceases for more
6 than six months; or

7 2. A Major Renovation, as that term is defined in this
8 Subpart.

9 G. Unless otherwise specified in this Subpart, all non-
10 conforming uses other than High Intensity Uses that are located in
11 any Character Area, shall bring their existing non-conforming
12 development characteristics such as, but not necessarily limited to,
13 parking; lighting; walkways; and screening for non-residential and
14 multi-family uses, into compliance upon either:

15 1. Reoccupation of the structure when such use ceases for more
16 than six months; or

17 2. A Major Renovation, as that term is defined in this Subpart.

18 H. Mandatory Compliance elements and deadline. ~~For purposes~~
19 ~~of the Term for mandatory compliance with these regulations for~~
20 ~~signage, screening and landscape buffers in all Character Areas, the~~
21 ~~Term shall begin on January 1, 2020 and end on December 31, 2024.~~
22 Three elements of site improvements (Fencing, Landscaping/Landscape
23 Buffers, and Signage) make up the "Mandatory Compliance elements."
24 These elements are required to conform to this Zoning Overlay by the
25 later of December 31, 2024, or five years plus 90 days after a grant
26 program to help mitigate the cost of compliance is approved by the
27 RA/CRA Board. This Mandatory Compliance is required regardless of
28 whether the thresholds listed in subsection F or G above have been
29 met, and is required for all Character Areas.

30 * * *

31 **Sec. 656.399.59. - Definitions. The definitions contained in Part**

1 **16 of the Zoning Code shall apply unless otherwise defined in this**
2 **Subpart.**

3 ~~A. The definitions contained in Part 16 of the Zoning Code~~
4 ~~shall apply unless otherwise defined in this Subpart.~~

5 ~~1. Brewpub~~ means a microbrewery operating in conjunction with
6 a restaurant.

7 ~~2. Building Scale~~ means the relationship between the mass of a
8 building and its surroundings, including the width of the
9 street, open space, and mass of surrounding buildings.

10 ~~3. Major Renovation~~ means a total cumulative expansion, repair,
11 or renovation of existing development, not including
12 improvements made in order to comply with this Subpart, that is
13 greater than or equal to 50 percent of the assessed value of the
14 lot improvements at the start of any three-year period,
15 according to the Property Appraiser within any three-year
16 period, or the total square footage of a structure is expanded
17 by 50 percent or greater, as well as any cumulative square
18 footage expansions totaling 50 percent.

19 Mandatory Compliance deadline means the later of December 31,
20 2024, or five years plus 90 days after a grant program to help
21 mitigate the cost of compliance is approved by the RA/CRA Board.

22 Mandatory Compliance elements means the three design standard
23 elements of Fences, Landscaping/Landscape Buffers and Signage,
24 as regulated in all Character areas, that property owners are
25 required to bring into compliance with the Zoning Overlay by the
26 Mandatory Compliance deadline.

27 ~~4. Mass~~ means the three-dimensional bulk of a structure
28 determined by the height, width, and depth.

29 ~~5. Microbrewery~~ means an establishment or facility in which
30 beer is produced for on-premises consumption (taproom) where
31 production does not exceed 10,000 barrels per year and where

1 off-site sales to a state licensed wholesaler do not exceed 75
2 percent of production. Microbreweries may sell their product to
3 the public via a wholesaler or retailer or directly to the
4 consumer through carry-outs or taproom.

5 ~~6.~~ *Pedestrian Scale* means the relationship between a person and
6 their surroundings, including the width of the street and the
7 height, mass, and design of surrounding buildings.

8 ~~7.~~ *Public Space* means public squares, greens, plazas and
9 neighborhood parks, pocket parks, riverwalks, and pedestrian
10 spaces.

11 RA/CRA Mandatory Compliance Grant means a grant,
12 administered by the Office of Economic Development ("OED"),
13 available to property owners with sites that were not in
14 conformance as of July 1, 2019 with any of the three Mandatory
15 Compliance elements. The grant is designed to aid those property
16 owners in complying with the requirements of the Zoning Overlay.
17 The Grant guidelines and application forms are available on the
18 OED website.

19 RA/CRA Designer means a landscape architect, architect,
20 engineer, or other designer whose services OED will provide,
21 at no cost to the property owner, to assist the property owner
22 with design services to formulate a schematic site plan ("site
23 plan") in order redesign the site to obtain conformance with the
24 Zoning Overlay, to the extent practicable. The property owner
25 may choose to utilize the RA/CRA Designer or may use their own
26 appropriate design professional. However, in order to utilize
27 the consolidated review process of the Renew Arlington Design
28 Review team, the site plan must be reviewed and approved by the
29 RA/CRA Designer prior to submittal to the RADR team.

30 Renew Arlington Design Review team ("RADR") means the
31 Planning and Development Department staff charged with providing

1 a consolidated review of site plans addressing the Mandatory
2 Compliance elements for the permitting process pursuant to Sec.
3 656.399.63, and for recommendations regarding Administrative
4 Deviations pursuant to Sec. 656.399.64.

5 * * *

6 **Sec. 656.399.61. - ~~Administrative deviations~~ Reserved.**

7 ~~Administrative Deviations will be allowed for requests for relief~~
8 ~~from the strict application of this Subpart under the following~~
9 ~~conditions:~~

10 ~~A. No Administrative Deviation will be allowed for a reduction~~
11 ~~in Lot Area for High Intensity Uses; and~~

12 ~~B. An Administrative Deviation may be given for parking~~
13 ~~reductions only if the requirements of the Landscape Code (Part~~
14 ~~12 of the Zoning Code) are fully met.~~

15 * * *

16 **Section 2. Creating a new Section 656.399.63 (RENEW**
17 **ARLINGTON DESIGN REVIEW ("RADR") TEAM and ~~656.3993.64~~656.399.64**
18 **(RA/CRA ZONING OVERLAY ADMINISTRATIVE DEVIATIONS), Ordinance Code. A**

19 new Section 656.399.63 (Renew Arlington Design Review ("RADR") Team,
20 Chapter 656 (ZONING CODE), Part 3 (Schedule of District Regulations),
21 Subpart S (Renew Arlington Zoning Overlay) *Ordinance Code* and
22 656.399.64 (RA/CRA Zoning Overlay Administrative Deviations), Chapter
23 656 (ZONING CODE), Part 3 (Schedule of District Regulations), Subpart
24 S (Renew Arlington Zoning Overlay) *Ordinance Code*, is hereby created
25 to read as follows:

26 **Sec. 656.399.63. - Renew Arlington Design Review ("RADR") Team.**

27 A. *Purpose.* Because the sites within the Renew Arlington Zoning
28 Overlay boundaries are generally smaller in size and present a
29 unique challenge to meet the Mandatory Compliance element
30 requirements of the Zoning Overlay due to the history of road
31 widening and in some instances a change of use in the area from

1 single family residential to office, retail and service
2 establishments, a select group of Planning and Development
3 Department staff professionals have been chosen to review
4 proposed site designs for property owners faced with meeting the
5 standards of the Mandatory Compliance elements, without
6 triggering the need for a complete civil plan ("10-set") review
7 by the Department.

8 Property owners with sites that were not in conformance as of
9 July 1, 2019 with any of the three Mandatory Compliance elements
10 may apply for a RA/CRA Mandatory Compliance Grant and may avail
11 themselves of the RA/CRA Designer. The property owner may choose
12 to utilize the RA/CRA Designer or may use their own appropriate
13 design professional. However, in order to utilize the RADR team
14 process, the site plan must be reviewed and approved by the RA/CRA
15 Designer prior to submittal to the RADR team. The RADR team will
16 provide a consolidated review of the site design regarding the
17 Mandatory Compliance elements within the context ~~with-of~~ the
18 Zoning Overlay. ~~This will include a review of not only the~~
19 ~~Mandatory Compliance elements, but of all elements and~~
20 ~~requirements of the Zoning Overlay.~~

21 B. *Members.* The Director of Planning and Development shall appoint
22 the persons holding the following positions to the RADR team:

23 1a. City Landscape Architect;

24 2b. Planning Services Manager;

25 3e. Chief of Current Planning, or their designee;

26 4d. Senior Traffic Technician; and

27 5e. Others as appointed by the Director as deemed necessary.

28 C. *Duties and Authority.* ~~While the~~The RADR team may only be used
29 by property owners that are faced with meeting the standards of
30 the Mandatory Compliance elements within the Mandatory Compliance
31 deadline., ~~the RADR team is responsible for reviewing not only~~

1 ~~those elements, but all elements of the Zoning Overlay.~~ However,
2 if requested, the RADR team, at their discretion, may review and
3 comment on other elements of the Zoning Overlay standards as part
4 of the review of the Mandatory Compliance elements of a parcel.

5 1. Site Plan approval. Preliminary review of the schematic
6 site plan by the RADR team is the first step. At this point,
7 the RADR team will determine whether the design: (a) will
8 require an Administrative Deviation; (b) will require
9 conventional civil plan ("10-set") review by the Department
10 due to the complexity of the design; or (c) may progress to
11 construction drawings prepared by a professional for final
12 review by the RADR team for a site development permit. The
13 RADR team may approve site plans for permitting taking into
14 consideration all requirements of the Zoning Overlay
15 including the removal and/or relocation of impervious
16 surfaces, a revision to traffic circulation and number of
17 parking spaces, while still maintaining clear site triangles
18 and general functionality of the site.

19 2. Administrative Deviation staff report. If one or more
20 Administrative Deviations are required for ~~ultimate~~ final
21 site plan approval, the RADR team is responsible for
22 providing a staff recommendation to the Zoning Administrator
23 considering each of the RA/CRA Zoning Overlay Deviation
24 Criteria as listed in Sec. 656.399.64 as related to the
25 Mandatory Compliance element(s) at issue. If Administrative
26 Deviation(s) are required, those must be sought prior to a
27 final approval of the site plan. At their discretion, if
28 the design requires an Administrative Deviation for an
29 element or elements in addition to the Mandatory Compliance
30 elements, the RADR team may include that element or elements
31 in their staff report to the Zoning Administrator.

1 3. Further review. If the ~~re~~design of the site is particularly
2 complex, it may become necessary for the submittal to
3 proceed through the conventional Development Services
4 Division process.

5 D. *Applicant Eligibility.* Only owners of properties which contain
6 the Mandatory Compliance elements of a Fence, Landscaping/
7 Landscape Buffer, or a Sign existing as of July 1, 2019 that is
8 not in compliance with the Zoning Overlay, or which property lacks
9 a compliant Fence, ~~or~~ Landscaping/Landscape Buffer, or Sign on
10 July 1, 2019, are entitled to utilize ~~of~~ the RADR team. The site
11 plan presented to the RADR team must have been prepared by or
12 approved by the RA/CRA Designer prior to submittal to the RADR
13 team.

14 E. *Development Procedure and Process for permit to bring the*
15 *Mandatory Compliance elements of Fencing, Landscaping/Landscape*
16 *Buffer and Signage into compliance.* All applicants shall provide
17 the following information to the RADR team:

- 18 1. A City Development Number ("CDN") may be ~~is~~ required in order to
19 submit plans for preliminary review, but will be required for
20 submittal of plans for final review. The City Development Number
21 Request Form, available in the Concurrency and Mobility
22 Management System Handbook, must indicate in the
23 "Development/Project Name" field that this project is within the
24 Renew Arlington Zoning Overlay. The Form should be submitted
25 to the Development Services Division Concurrency and Mobility
26 Management Systems Office.
- 27 2. A vicinity plan and digital photographs showing the project in
28 relation to the surrounding blocks and streets (include all
29 properties within a minimum of 300 feet of project property
30 boundary lines);
- 31 3. A boundary survey of existing property showing all buildings,

1 protected trees, and impervious areas on the subject site as
2 well as the buildings, driveways and other impervious surfaces
3 within 100 linear feet from all property lines, including the
4 right-of-way line.

5 4. If impervious areas are to be added, relocated, or rebuilt which
6 would likely effect current drainage patterns, the applicant
7 must also provide a topographical survey and site design
8 drawings prepared by an appropriate registered professional
9 which shall include, as a minimum, storm drainage systems
10 consistent with the City's Land Development Procedures Manual,
11 City of Jacksonville ordinances, and the St. Johns River Water
12 Management District requirements. The RADR team has the
13 discretion to request additional information relative to the
14 design.

15 5. The applicant shall provide a schematic site plan ("site plan")
16 drawn to nominal scale such as 1"=10' or 1"=20' by a landscape
17 architect, architect, engineer or other qualified person. The
18 site plan must either be prepared by or reviewed by the RA/CRA
19 Designer prior to submittal to the RADR team.

20 F. RADR preliminary review for Site Development permit.

21 1. The RADR team shall review site plans at least monthly, if any
22 have been submitted.

23 2. The RADR team shall determine if the site plan is in compliance
24 with ~~not only~~ the Mandatory Compliance elements, ~~but also the~~
25 ~~Zoning Overlay requirements in totality~~ as they apply to that
26 particular site and the Zoning Overlay.

27 a. If the site plan is in compliance with the Zoning Overlay,
28 the property is eligible for a Site Development permit
29 relative to those elements. At this point, the property
30 owner could proceed with construction documents prepared
31 by a licensed professional for final review by the RADR

1 team and issuance of the Site Development permit.

2 b. If the site plan is not in compliance with the Zoning
3 Overlay and an Administrative Deviation is required, the
4 RADR team shall prepare and forward a staff report with a
5 recommendation regarding the Administrative Deviation to
6 the Zoning Administrator regarding the Mandatory
7 Compliance elements. At their option, the RADR team may
8 also include elements additional to the Mandatory
9 Compliance elements in the report for consideration by the
10 Zoning Administrator.

11 c. The staff report shall consider each of the RA/CRA Zoning
12 Overlay Administrative Deviation Criteria for each
13 Deviation sought.

14 d. The Zoning Administrator shall follow the procedures for
15 public input pursuant to Part 1 of the Zoning Code (Chapter
16 656, Ordinance Code).

17 3. RADR final review for Site Development permit. If the
18 Administrative Deviation(s) is approved, at this point the
19 property owner could proceed with construction documents
20 prepared by a licensed professional for final review by the RADR
21 team and issuance of the site Development permit. If the
22 Administrative Deviation is denied, the property owner may
23 appeal pursuant to this Subpart, or significantly redesign the
24 site plan for resubmittal.

25 **Section 656.399.64. - RA/CRA Zoning Overlay Administrative**
26 **Deviations.**

27 A. *Administrative Deviation requests heard by Zoning Administrator.*
28 Pursuant to Sec. 656.101, *Ordinance Code*, an Administrative
29 Deviation may be granted by the Zoning Administrator, after due
30 notice and hearing, for a relaxation of certain Zoning Code
31 requirements. Notwithstanding items for which deviations may be

1 allowed in other areas of Jacksonville, within the Renew Arlington
2 Zoning Overlay, the Zoning Administrator may allow deviations for
3 the following:

- 4 1. Reduce minimum lot area, unless the property is a High Intensity
5 Use as described in this Zoning Overlay;
- 6 2. Reduce required yards;
- 7 3. Reduce the minimum number of required off-street parking spaces,
8 so long as the landscaping requirements of this Zoning Overlay
9 are fully met;
- 10 4. Reduce the minimum landscaping requirements;
- 11 5. Increase the maximum lot coverage;
- 12 6. Adjust required driveway aisle widths, parking stall dimensions,
13 and allow tandem parking;
- 14 7. Consider on-street parking to meet parking requirements;
- 15 8. Increase the allowable maximum height of structures, including
16 fences, but not signs;
- 17 9. Increase the maximum number of off-street parking spaces so long
18 as the landscaping is not also reduced, and either a professional
19 study indicating that more spaces are warranted is performed and
20 approved by the Department, or the request is consistent with
21 the current edition of the ITE parking Generation Manual; and
- 22 10. Decrease lot width so long as at least 80 percent of the
23 existing context development pattern is similar.

24 B. Review. In order to approve a Deviation, the Zoning Administrator
25 must find in the affirmative for each of the RA/CRA Zoning Overlay
26 Deviation Criteria below and report on the balance between the
27 interest of the public, the property owner, and the community.

28 C. *RA/CRA Zoning Overlay Deviation Criteria.*

- 29 1. There are unique site characteristics such as parcel
30 shape, location, existing utility easements, etc. that
31 prevent development consistent with the Zoning Overlay

1 Regulations.

- 2 2. The effect of the proposed Deviation is consistent with
3 and furthers the objectives, policies, design and
4 intentions of the Zoning Overlay;
- 5 3. The proposed Deviation will not diminish property values
6 in the area surrounding the site and will not interfere
7 with or injure the rights of adjacent properties but
8 would accomplish an additional public benefit;
- 9 4. The request is not a self-imposed hardship; and
- 10 5. The proposed Deviation will not be detrimental to the
11 public health, safety or welfare, result in additional
12 public expense or the creation of nuisances.

13 D. Appeals of Zoning Administrator's Decision on Administrative
14 Deviation. Appeals from the decision of the Zoning Administrator
15 on a property within the RA/CRA Zoning Overlay Area shall not be
16 to the Planning Commission, but rather to the City Council.

17 1. *Standing*. The Applicant or any other adversely affected person
18 may appeal a final written decision of the Zoning Administrator.

19 2. *Notice*. Notice of Appeal shall be provided to the Legislative
20 Services Division within 14 days of the effective date of the
21 written decision, and shall be accompanied by a filing fee as
22 found in www.coj.net/fees, together with a notification fee for
23 each required notification. The Notice of Appeal shall be in a
24 form created by the Planning and Development staff in
25 consultation with the Office of General Counsel.

26 3. *Standard of Review*. The Council's review of the appeal shall be
27 limited to a consideration of whether:

28 a. The applicable design criteria contained in the Zoning
29 Overlay were properly applied by the Zoning Administrator;

30 b. The decision was supported by competent, substantial
31 evidence; and

1 c. Procedural due process was afforded.

2 4. *Procedural Matters.* The appellate procedure in Sec. 656.142,
3 Ordinance Code, shall be followed. The Council shall have the
4 authority to:

5 a. Adjourn, continue, or grant extensions of time for
6 compliance with these rules, whether or not requested by a
7 party, provided no requirement of law is violated;

8 b. Keep a record of all persons requesting notice of the
9 decision in each case;

10 c. Grant withdrawal requests by the appellant;

11 d. Enter into settlement agreements regarding the matter
12 appealed, so long as there is no financial impact to the
13 City; and

14 e. Individually view the property which is the subject of the
15 appeal.

16 5. *Decision.* The Council may affirm or reverse each written
17 decision, or it may remand the matter back to the Zoning
18 Administrator with specific instructions for further action. The
19 Council's decision shall be reduced to writing and shall become
20 effective upon filing the decision with Legislative Services.

21 E. *Appeal of City Council decision to the Courts.* The decision of
22 the City Council constitutes the final agency action of the City
23 of Jacksonville relative to the request. These decisions may be
24 challenged by any person with standing as authorized by state law.

25 F. *Return of fees and notice cost.* If the Administrative Deviation
26 is approved upon appeal to either the City Council or Court, the
27 property owner is entitled to the return of the City filing fee
28 and notice costs for the appeal.

29 **Section 32. Directive to the Municipal Code**
30 **Corporation.** The Municipal Code Corporation ("Municode") is directed
31 to insert a date certain, which shall be supplied by the Office of

1 General Counsel, for the term "the later of December 31, 2024, or
2 five years plus 90 days after a grant program to help mitigate the
3 cost of compliance is approved by the RA/CRA Board" in the several
4 locations it appears in this Code revision.

5 **Section 43. Effective Date.** This ordinance shall
6 become effective upon signature by the Mayor or upon becoming
7 effective without the Mayor's signature.

8
9 Form Approved:

10
11 _____

12 Office of General Counsel

13 Legislation Prepared By: Susan C. Grandin

14 GC-#1325843-v4-RA_CRA_Zoning_Overlay_Legislation.docx