

1 Introduced by Council Member Carlucci and Co-Sponsored by Council
2 Member Peluso and substituted and amended by the Neighborhoods,
3 Community Services, Public Health and Safety Committee:
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6 **ORDINANCE 2024-373-E**

7 AN ORDINANCE CREATING A NEW SECTION 656.130.1
8 (AMENDMENTS TO THE ZONING CODE FOR ZONING
9 OVERLAYS), SUBPART C (PROCEDURES FOR REZONING
10 AND AMENDMENTS TO THE ZONING CODE), PART 1
11 (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE),
12 *ORDINANCE CODE*, TO ESTABLISH A PROCESS FOR
13 CREATION OF NEW ZONING OVERLAYS, TO REQUIRE AN
14 AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL
15 COUNCIL PLUS ONE ADDITIONAL MEMBER TO CREATE A
16 NEW ZONING OVERLAY, AND TO PROVIDE THAT A WAIVER
17 OF THIS VOTE REQUIREMENT SHALL REQUIRE AN
18 AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL
19 COUNCIL PLUS ONE ADDITIONAL MEMBER; AMENDING
20 SECTION 656.341 (PROCEDURES), SUBPART F (PLANNED
21 UNIT DEVELOPMENT), PART 3 (SCHEDULE OF DISTRICT
22 REGULATIONS), CHAPTER 656 (ZONING CODE),
23 *ORDINANCE CODE*, TO ADD A NEW SUBPARAGRAPH (F) TO
24 PROHIBIT PLANNED UNIT DEVELOPMENT ZONING
25 APPLICATIONS WHICH ALLOW DEVIATIONS FROM ZONING
26 OVERLAYS UNLESS APPROVED BY AN AFFIRMATIVE VOTE
27 OF A MAJORITY OF THE FULL COUNCIL PLUS ONE
28 ADDITIONAL MEMBER, AND TO PROVIDE THAT A WAIVER
29 OF THIS VOTE REQUIREMENT SHALL REQUIRE AN
30 AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL
31 COUNCIL PLUS ONE ADDITIONAL MEMBER; PROVIDING

1 CODIFICATION INSTRUCTIONS; PROVIDING AN
2 EFFECTIVE DATE.

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4 **WHEREAS**, the purpose and intent of a zoning overlay is to
5 create a special zoning district, placed over the existing zoning
6 scheme, to apply area-specific standards or conditions due to the
7 unique development patterns, unique needs or to protect features or
8 aspects of the geographic area over which the overlay applies; and

9 **WHEREAS**, zoning overlays are adopted by the Council based on
10 studies and evaluations of the proposed overlay area and involve
11 community input into the future development needs of their area; and

12 **WHEREAS**, those studies and evaluations are adopted into a
13 zoning overlay to provide custom regulations laid over the underlying
14 zoning laws, fine tuning regulations to preserve the unique character,
15 economic viability, historic fabric and environmentally sensitive
16 resources of some of Jacksonville's most significant areas; and

17 **WHEREAS**, the Council has adopted eleven (11) zoning overlays
18 to protect and preserve Downtown, Springfield, Mayport Road and
19 Mayport Village Working Waterfront District, San Marco, Mandarin
20 Road, Riverside/Avondale, Industrial Sanctuary Areas, Black Hammock
21 Island, KingSoutel Crossing Area, Renew Arlington Area and the Cedar
22 Point and Sawpit Road Area; and

23 **WHEREAS**, developers may use Planned Unit Development (PUD)
24 rezoning applications as a way to circumvent an adopted zoning overlay
25 in these areas in order to authorize uses, development schemes or
26 regulatory waivers and relaxations, which erodes and degrades the
27 integrity of the carefully crafted zoning overlay plan which the
28 Council desires to address by requiring approval by an affirmative
29 vote of the full Council plus one additional member to allow
30 deviations from zoning overlays; and

31 **WHEREAS**, the Council also desires to establish a process for

1 the establishment of new zoning overlays; now therefore

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

3 **Section 1. Creating Section 656.130.1 (Amendments to the**
4 **Zoning Code for Zoning Overlays), Subpart C (Procedures for Rezoning**
5 **and Amendments to the Zoning Code), Part 1 (General Provisions),**
6 **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.130.1
7 (Amendments to the Zoning Code for Zoning Overlays), Subpart C
8 (Procedures for Rezoning and Amendments to the Zoning Code), Part 1
9 (General Provisions), Chapter 656 (Zoning Code), *Ordinance Code*, is
10 hereby created to read as follows:

11 **CHAPTER 656 - ZONING CODE**

12 **PART 1. - GENERAL PROVISIONS**

13 * * *

14 **SUBPART C. - PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING**
15 **CODE**

16 * * *

17 **Sec. 656.130.1 - Amendments to the Zoning Code for Zoning Overlays.**

18 (a) It is the intent of the City of Jacksonville to permit the
19 creation of new zoning overlays in accordance with the
20 following circumstances:

21 (1) In general, when there is a special and substantial
22 public interest in the protection of the character of
23 an area, which could be, but is not limited to
24 environmental or historical features, or the protection
25 of principal views of, from, or through the areas; or

26 (2) In other cases where the special and substantial public
27 interest requires modification of otherwise applicable
28 zoning regulations, or repeal and replacement of such
29 regulations, for the accomplishment of the special
30 public purposes for which the zoning overlay is
31 established.

1 (b) Zoning overlays will be developed through a community-led
2 planning process that heavily engages the stakeholders
3 (property owners, tenants, City staff, including the Office
4 of General Counsel, the Planning and Development Department,
5 the applicable District Council Member or Members, and others
6 as appropriate), in the development of a proposed overlay
7 document. Evidence of the community engagement, including but
8 not limited to, meeting notices, sign in sheets, community
9 meeting minutes and communications, shall be provided, along
10 with any proposed draft overlay document and any desired
11 accompanying maps and graphics, to the applicable District
12 Council Member or Members and Planning and Development
13 Department.

14 (c) Any new zoning overlay shall require an affirmative vote of
15 a majority of the full City Council plus one additional
16 member. A waiver of this Section shall also require an
17 affirmative vote of a majority of the full City Council plus
18 one additional member.

19 **Section 2. Amending Section 656.341 (Procedures), Part 3**
20 **(Schedule of District Regulations), Subpart F (Planned Unit**
21 **Development), Chapter 656 (Zoning Code), Ordinance Code.** Section
22 656.341 (Procedures), Part 3 (Schedule of District Regulations),
23 Subpart F (Planned Unit Development), Chapter 656 (Zoning Code),
24 *Ordinance Code*, is hereby amended to read as follows:

25 **CHAPTER 656 - ZONING CODE**

26 * * *

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

28 * * *

29 **SUBPART F. - PLANNED UNIT DEVELOPMENT**

30 * * *

31 **Sec. 656.341. - Procedures.**

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2 (e) *Enactment of the ordinance for a planned unit*
3 *development.* Following the public hearings, as required for
4 all applications for rezoning, the City Council may enact an
5 ordinance, which clearly identifies and/or lists all data,
6 exhibits, information, site plan(s), etc. being approved as
7 part of the Planned Unit Development district, establishing
8 a Planned Unit Development district including any conditions
9 related thereto, based upon findings that the Planned Unit
10 Development district will accomplish the objectives and meet
11 the standards of the district and is consistent with the
12 Comprehensive Plan. Any monetary contributions shall be
13 conditions listed in the ordinance and the conditions shall
14 contain a minimum dollar amount for such contribution, the
15 timing of the payment, the Department responsible for
16 accepting the payment, and the Department who will be assigned
17 the payment, including the appropriate revenue account number
18 for the payment. Any nonmonetary contributions, including but
19 not limited to recreation facilities, shall be conditions
20 listed in the ordinance and the conditions shall contain a
21 minimum value of such nonmonetary contribution.

22 Development within a Planned Unit Development district shall
23 proceed substantially in accordance with the site plan(s), written
24 description of the intended plan of development and any conditions
25 set forth by the City Council in the ordinance which approves the
26 Planned Unit Development district.

27 (f) No Planned Unit Development shall be approved to allow a
28 deviation from any use, design element or any other
29 requirement placed on a property by an applicable zoning
30 overlay. A waiver of this prohibition shall require an
31 affirmative vote of a majority of the full City Council plus

