

1 Introduced by the Council President at the request of the DIA and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:
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6 **ORDINANCE 2024-39-E**

7 AN ORDINANCE CONCERNING THE DOWNTOWN OVERLAY
8 ZONE AND THE DOWNTOWN SIGN OVERLAY ZONE;
9 INCORPORATION OF RECITALS; AMENDING SECTION
10 656.361.7.1 (APPLICATION AND REVIEW PROCEDURE TO
11 DDRB AND COUNCIL; APPEALS), SUBPART H (DOWNTOWN
12 OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM
13 REGULATIONS), PART 3 (SCHEDULE OF DISTRICT
14 REGULATIONS), CHAPTER 656 (ZONING CODE),
15 *ORDINANCE CODE*, TO REVISE THE PROJECT TYPES
16 SUBJECT TO STAFF REVIEW AND TO DDRB REVIEW, AND
17 TO CLARIFY AND REVISE THE REVIEW PROCESS AND
18 PROCEDURES FOR SPECIFIED PROJECTS; AMENDING
19 SECTION 656.361.8 (DEVIATIONS), SUBPART H
20 (DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE
21 AND FORM REGULATIONS), PART 3 (SCHEDULE OF
22 DISTRICT REGULATIONS), CHAPTER 656 (ZONING
23 CODE), *ORDINANCE CODE*, TO ELIMINATE THE WORKSHOP
24 REQUIREMENT FOR SELECT DEVIATIONS; AMENDING
25 SECTION 656.1335 (DESIGN REVIEW), SUBPART B
26 (DOWNTOWN SIGN OVERLAY ZONE), PART 13 (SIGN
27 REGULATIONS), CHAPTER 656 (ZONING CODE),
28 *ORDINANCE CODE*, TO ALLOW STAFF REVIEW OF CERTAIN
29 SIGN APPLICATIONS; PROVIDING FOR AN EFFECTIVE
30 DATE.
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1 **WHEREAS**, as part of Mayor Deegan's Economic Development
2 Transition Committee, opportunities for permitting and development
3 review efficiencies were prioritized; and

4 **WHEREAS**, in reporting to the Economic Development Transition
5 Committee, the Downtown Investment Authority ("DIA") and the Downtown
6 Development Review Board ("DDRB") staff identified several
7 opportunities for development review efficiencies as they relate to
8 Downtown Development; and

9 **WHEREAS**, the DDRB has reviewed and is in support of the
10 identified recommendations for Ordinance Code amendments; and

11 **WHEREAS**, the DIA requests that City Council amend the Ordinance
12 Code as provided herein; and

13 **WHEREAS**, the purpose and intent of this Ordinance is to update
14 the Downtown Overlay to implement permitting and development review
15 efficiencies, consistent with Objective 2.3 of the *2045 Comprehensive*
16 *Plan* Future Land Use Element to revise the list of project types that
17 are subject only to administrative review, revise the development
18 review process for specified projects and eliminate the workshop
19 requirement for select deviations; and

20 **WHEREAS**, on October 18, 2023, the DIA Board approved Resolution
21 2023-10-07, approving this amendment to Chapter 656 of the *Ordinance*
22 *Code*, to clarify and streamline various review processes of the DDRB,
23 a copy of which is attached hereto as **Exhibit 1**; now therefore

24 **BE IT ORDAINED**, by the Council of the City of Jacksonville:

25 **Section 1. Incorporation of Recitals.** The above recitals
26 are incorporated herein and made a part hereof by this reference.

27 **Section 2. Amending Section 656.361.7.1 (Application and**
28 **Review Procedure to DDRB and Council; Appeals), Subpart H (Downtown**
29 **Overlay Zone and Downtown District Use and Form Regulations), Part 3**
30 **(Schedule of District Regulations), Chapter 656 (Zoning Code),**
31 **Ordinance Code.** Section 656.361.7.1 (Application and Review

1 Procedure to DDRB and Council; Appeals), Subpart H (Downtown Overlay
2 Zone and Downtown District Use and Form Regulations), Part 3 (Schedule
3 of District Regulations), Chapter 656 (Zoning Code), *Ordinance Code*,
4 is hereby amended to read as follows:

5 **CHAPTER 656 - ZONING CODE**

6 * * *

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

8 * * *

9 **SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE**
10 **AND FORM REGULATIONS**

11 * * *

12 **Sec. 656.361.7.1. - Application and Review Procedure to DDRB and**
13 **Council; Appeals.**

14 * * *

15 D. *Classification of Projects.* Upon receipt of the
16 application and required information, DDRB staff will
17 classify the proposed developments as follows:

18 1. *Staff Review Only.*

19 (a) Landscaping sufficiency regarding number, species,
20 size, and placement of trees; soil to tree ratio; and
21 alternatives for irrigation;

22 (b) Streetscape elements that comply with the Pedestrian
23 Zone requirements applicable to unconstrained rights-
24 of-way;

25 (c) Minor structural changes to exterior facades or
26 structures;

27 (d) Signs that comply with Subpart B of Chapter 656,
28 Part 13 - Downtown Sign Overlay Zone;

29 (e) Projects that consist only of landscaping,
30 hardscaping, street furnishings, and/or vehicle use area
31 components, and do not require any Deviation;

1 ~~(d)~~(f) Other classifications delegated to DDRB staff by
2 DDRB; and

3 ~~(e)~~(g) Minor changes to applications previously
4 approved by the DDRB.

5 2. *DDRB Review.*

6 (a) New construction;

7 (b) Major structural changes to exterior facade of
8 existing structures;

9 (c) Signs ~~that require a special sign exception~~
10 pursuant to Section 656.1333(j)~~656.1335~~ and
11 comprehensive sign plans required by Section
12 656.1333(b)(2)~~656.1337~~, which shall require only Final
13 Approval by DDRB;

14 (d) Streetscape elements in constrained rights-of-ways
15 where the generally required minimum Amenity Area,
16 Pedestrian Clear Area, or Frontage Area is reduced in
17 width, shared with the Vehicular Zone or encroaches on
18 private property;

19 (e) Staff review classifications deemed appropriate by
20 DDRB staff for review by the DDRB; ~~and~~

21 (f) Significant changes to applications previously
22 approved by the DDRB, which shall require only Final
23 Approval by DDRB; and ~~and~~

24 (g) DDRB shall have an opportunity to review and provide
25 comments and recommendations for Capital Improvement
26 Projects that are undertaken by, or on behalf of, the
27 City, independent agencies, or the DIA that have a total
28 cost greater than \$100,000, a useful life of more than
29 ten years, and that do not require a Deviation or Special
30 Exception. Such projects include, but are not limited
31 to, streetscape projects, road narrowing or lane

1 elimination projects, public buildings, and park or
2 public space projects and do not include projects that
3 are of a purely maintenance or utility infrastructure
4 nature or that are otherwise listed herein as requiring
5 staff review only.

6 E. *Staff Review.*

7 Projects classified as "Staff Review Only" will be reviewed
8 by DDRB staff and approved, approved with conditions, or
9 denied within ten working days of submittal of a complete
10 application. Staff will notify the applicant of an
11 incomplete application within five days of receipt of the
12 application.

13 F. *Procedures to be followed by the DDRB.*

14 1. Projects classified as "DDRB Review Required" will be
15 considered by the DDRB at a scheduled meeting within 30
16 working days of submittal of a completed application at a
17 scheduled monthly DDRB meeting. The applicant may present
18 the project at the meeting.

19 2. The DDRB will review projects using a two-step process,
20 except as otherwise provided in this section. The first
21 step is a Conceptual Approval, whereby the applicant's
22 project will be reviewed and conceptually approved,
23 conceptually approved with conditions or denied based upon
24 the District Regulations, the Downtown Design Guidelines,
25 and the Riverwalk Park Design Criteria, if applicable. The
26 second step is a Final Approval, whereby the applicant
27 brings the project back to DDRB within one year~~six months~~
28 to be reviewed and approved, approved with conditions, or
29 denied based upon the Regulations and applicable
30 Guidelines. Prior to consideration by the DDRB for Final
31 Approval, it is the intent of this Section that the

1 application and project will have received such reviews
2 and approvals as DDRB staff deems necessary so that the
3 DDRB is presented at Final Approval with as complete a
4 project as possible, considering all design,
5 architectural, engineering, traffic, utilities, fire and
6 life safety, environmental, historic, landscape and
7 streetscape and any other site and project development
8 issues which may be associated with completion of the
9 proposed project.

10 3. For multi-phase projects consisting of construction or
11 renovation of two or more separate buildings or structures,
12 DDRB review shall be conducted as follows:

13 (a) The two-step process outlined in subparagraph (2),
14 above, shall first be applied to conceptual and final
15 approval of the overall development site and consider
16 compliance of the overall site plan with the
17 requirements contained in this Subpart H relating to
18 view corridors, setbacks, heights, street closures,
19 river views and encroachment. Furthermore, the DDRB
20 shall also consider streetscape plans and landscaping
21 plans, if such are available; and

22 (b) Following final approval of the overall site plan,
23 the applicant shall then present the development or
24 redevelopment plans for each building or structure
25 contained in the multi-phase project for individual
26 consideration by the DDRB using~~following~~ the two-step
27 process contained in subparagraph (2), above. The DDRB
28 shall also consider all aspects of the project requiring
29 DDRB review and approval pursuant to this Subpart and
30 not considered in the initial site plan approval process
31 described in subpart (a), above.

1 The intent of this Section is to authorize the DDRB to
2 consider those projects wherein an applicant proposes an
3 overall site development consisting of multiple building
4 development or redevelopment by first considering the
5 overall site layout and cumulative impact of the entire
6 project on surrounding properties and later considering
7 design-type matters associated with the project's
8 individual buildings.

9 * * *

10 7. Any locally or federally designated landmark, building,
11 structure, site, or structure or site within a locally or
12 federally designated historic district within the Downtown
13 Overlay Zone subject to review under Chapter 307 shall be
14 governed by the provisions of Chapter 307, and the
15 provisions of this Section shall apply to the extent they
16 do not conflict with Chapter 307. These structures are
17 exempt from DDRB Conceptual Review but are required to
18 receive Final Approval by the DDRB after issuance of any
19 required Certificates of Appropriateness. ~~After conceptual~~
20 ~~approval by DDRB, but prior to final approval consideration~~
21 ~~by the DDRB, an applicant shall obtain necessary~~
22 ~~Certificates of Appropriateness for the project.~~

23 * * *

24 **Section 3. Amending Section 656.361.8 (Deviations),**
25 **Subpart H (Downtown Overlay Zone and Downtown District Use and Form**
26 **Regulations), Part 3 (Schedule of District Regulations), Chapter 656**
27 **(Zoning Code), Ordinance Code.** Section 656.361.8 (Deviations),
28 Subpart H (Downtown Overlay Zone and Downtown District Use and Form
29 Regulations), Part 3 (Schedule of District Regulations), Chapter 656
30 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:
31

CHAPTER 656 - ZONING CODE

* * *

PART 3. - SCHEDULE OF DISTRICT REGULATIONS

* * *

SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM REGULATIONS

* * *

Sec. 656.361.8. - Deviations.

A. *General Considerations.*

1. The Form Regulations identify which body has authority to approve a Deviation from each section thereof. The DDRB has the authority to grant Deviations for all Form Regulations in subsection 656.361.6.2 except as specified in subsection 656.361.6.2.H (Waterfront Design and River Views: setbacks, height and access corridors) and subsection 656.361.6.2.I (Creek Views and Creekfront Design), which require a final decision by the City Council for specified Deviations. Except as otherwise provided in this Section, Any request for a Deviation, whether the final Deviation decision rests with the City Council or the DDRB, shall be heard by the DDRB initially in a Workshop format. Participation by an applicant in a Workshop requires that the designer(s) of the project present the need for the Deviation along with potential alternative design solutions.

2. The following requests for Deviation are exempt from the Workshop requirement, unless the project fronts the St. Johns River, Hogans Creek, or McCoy's Creek:

(a) Existing buildings, when the requested Deviation would not expand or intensify the non-conformity;

(b) Building entrance criteria for new construction; and

1 (c) Rooftop criteria for new construction.

2 ~~2.3.~~ The Zoning Administrator shall not have the authority
3 to grant Administrative Deviations in the Overlay Zone.

4 ~~3.4.~~ Certain Form Regulations must be met in their entirety
5 in order for an economic incentive of any kind to be granted
6 to a development. Although Deviations may be granted for
7 design so that the project may be constructed, this does
8 not amount to "meeting" the Regulation in order to
9 establish eligibility for the economic incentive. Approval
10 of an economic incentive by the DIA for a project shall
11 not be taken into consideration by the DDRB in their
12 deliberations regarding the project's consistency with the
13 Use or Form Regulations.

14 ~~4.5.~~ Approval by the DIA of an economic incentive assumes
15 that the project will meet the Regulations as written,
16 without a Deviation. See subsections 656.361.6.2.H
17 and 656.361.6.2.I.

18 ~~5.6.~~ Deviations shall be approved by a 2/3 vote of the
19 membership of the initial jurisdictional body, as well as
20 any appellate procedure. Waiving this requirement shall be
21 stated in the title of the resolution or ordinance
22 pertaining to the Deviation, and shall adhere to the
23 Council Rules regarding the waiver of an ordinance.

24 ~~6.7.~~ All Deviations must be based upon the General
25 Deviation Criteria, in addition to any specific criteria
26 contained in the Section pertinent to that Regulation. All
27 of the General Deviation Criteria must be met, and an
28 explanation of each must be provided by the
29 developer/applicant. A separate positive determination
30 must be made for each criterion by the reviewing body,
31 based upon competent, substantial evidence, in order to

