

1 The Neighborhoods, Community Services, Public Health and Safety
2 Committee offers the following Substitute to File No. 2024-373:

3
4 Introduced by Council Member Carlucci:
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7 **ORDINANCE 2024-373**

8 AN ORDINANCE CREATING A NEW SECTION 656.130.1
9 (AMENDMENTS TO THE ZONING CODE FOR ZONING
10 OVERLAYS), SUBPART C (PROCEDURES FOR REZONING
11 AND AMENDMENTS TO THE ZONING CODE), PART 1
12 (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE),
13 *ORDINANCE CODE*, TO ESTABLISH A PROCESS FOR
14 CREATION OF NEW ZONING OVERLAYS; AMENDING
15 SECTION 656.341 (PROCEDURES), SUBPART F (PLANNED
16 UNIT DEVELOPMENT), PART 3 (SCHEDULE OF DISTRICT
17 REGULATIONS), CHAPTER 656 (ZONING CODE),
18 *ORDINANCE CODE*, TO ADD A NEW SUBPARAGRAPH (F) TO
19 PROHIBIT PLANNED UNIT DEVELOPMENT ZONING
20 APPLICATIONS WHICH ALLOW DEVIATIONS FROM ZONING
21 OVERLAYS UNLESS APPROVED BY A 2/3 VOTE OF THE
22 FULL COUNCIL; PROVIDING CODIFICATION
23 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, the purpose and intent of a zoning overlay is to
26 create a special zoning district, placed over the existing zoning
27 scheme, to apply area-specific standards or conditions due to the
28 unique development patterns, unique needs or to protect features or
29 aspects of the geographic area over which the overlay applies; and

30 **WHEREAS**, zoning overlays are adopted by the Council based on
31 studies and evaluations of the proposed overlay area and involve

1 community input into the future development needs of their area; and
2 **WHEREAS**, those studies and evaluations are adopted into a
3 zoning overlay to provide custom regulations laid over the underlying
4 zoning laws, fine tuning regulations to preserve the unique character,
5 economic viability, historic fabric and environmentally sensitive
6 resources of some of Jacksonville's most significant areas; and

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

13 **WHEREAS**, developers may use Planned Unit Development (PUD)
14 rezoning applications as a way to circumvent an adopted zoning overlay
15 in these areas in order to authorize uses, development schemes or
16 regulatory waivers and relaxations, which erodes and degrades the
17 integrity of the carefully crafted zoning overlay plan which the
18 Council desires to address by requiring a 2/3 vote of the full Council
19 to allow deviations from zoning overlays; and

20 **WHEREAS**, the Council also desires to establish a process for the
21 establishment of new zoning overlays; now therefore

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

23 **Section 1. Creating Section 656.130.1 (Amendments to the**
24 **Zoning Code for Zoning Overlays), Subpart C (Procedures for Rezoning**
25 **and Amendments to the Zoning Code), Part 1 (General Provisions),**
26 **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.130.1
27 (Amendments to the Zoning Code for Zoning Overlays), Subpart C
28 (Procedures for Rezoning and Amendments to the Zoning Code), Part 1
29 (General Provisions), Chapter 656 (Zoning Code), *Ordinance Code*, is
30 hereby amended to read as follows:

31 **CHAPTER 656 - ZONING CODE**

1 PART 1. - GENERAL PROVISIONS

2 * * *

3 SUBPART C. - PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING
4 CODE

5 * * *

6 Sec. 656.130.1 - Amendments to the Zoning Code for Zoning Overlays.

7 (a) It is the intent of the City of Jacksonville to permit the
8 creation of new zoning overlays in accordance with the
9 following circumstances:

10 (1) In general, when there is a special and substantial
11 public interest in the protection of the character of
12 an area, which could be, but is not limited to
13 environmental or historical features, or the protection
14 of principal views of, from, or through the areas; or

15 (2) In other cases where the special and substantial public
16 interest requires modification of otherwise applicable
17 zoning regulations, or repeal and replacement of such
18 regulations, for the accomplishment of the special
19 public purposes for which the zoning overlay is
20 established.

21 (b) Zoning overlays will be developed through a community-led
22 planning process that heavily engages the stakeholders
23 (property owners, tenants, City staff, including the Office
24 of General Counsel, the Planning and Development Department,
25 the applicable District Council Member or Members, and others
26 as appropriate), in the development of a proposed overlay
27 document. Evidence of the community engagement, including but
28 not limited to, meeting notices, sign in sheets, community
29 meeting minutes and communications, shall be provided, along
30 with any proposed draft overlay document and any desired
31 accompanying maps and graphics, to the applicable District

1 Council Member or Members and Planning and Development
2 Department.

3 **Section 2. Amending Section 656.341 (Procedures), Part 3**
4 **(Schedule of District Regulations), Subpart F (Planned Unit**
5 **Development), Chapter 656 (Zoning Code), Ordinance Code.** Section
6 656.341 (Procedures), Part 3 (Schedule of District Regulations),
7 Subpart F (Planned Unit Development), Chapter 656 (Zoning Code),
8 *Ordinance Code*, is hereby amended to read as follows:

9 **CHAPTER 656 - ZONING CODE**

10 * * *

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

12 * * *

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

14 * * *

15 **Sec. 656.341. - Procedures.**

16 * * *

17 (e) *Enactment of the ordinance for a planned unit*
18 *development.* Following the public hearings, as required for
19 all applications for rezoning, the City Council may enact an
20 ordinance, which clearly identifies and/or lists all data,
21 exhibits, information, site plan(s), etc. being approved as
22 part of the Planned Unit Development district, establishing
23 a Planned Unit Development district including any conditions
24 related thereto, based upon findings that the Planned Unit
25 Development district will accomplish the objectives and meet
26 the standards of the district and is consistent with the
27 Comprehensive Plan. Any monetary contributions shall be
28 conditions listed in the ordinance and the conditions shall
29 contain a minimum dollar amount for such contribution, the
30 timing of the payment, the Department responsible for
31 accepting the payment, and the Department who will be assigned

1 the payment, including the appropriate revenue account number
2 for the payment. Any nonmonetary contributions, including but
3 not limited to recreation facilities, shall be conditions
4 listed in the ordinance and the conditions shall contain a
5 minimum value of such nonmonetary contribution.

6 Development within a Planned Unit Development district shall
7 proceed substantially in accordance with the site plan(s), written
8 description of the intended plan of development and any conditions
9 set forth by the City Council in the ordinance which approves the
10 Planned Unit Development district.

11 (f) No Planned Unit Development shall be approved to allow a
12 deviation from any use, design element or any other
13 requirement placed on a property by an applicable zoning
14 overlay. Waivers of this prohibition shall require approval
15 by a 2/3 vote of the full Council.

16 ~~(g)~~ *Modifications to a Planned Unit Development district.* An
17 amendment to an approved Planned Unit Development district
18 may be accomplished through either an Administrative
19 Modification, Minor Modification, or by filing an application
20 for rezoning, meeting criteria as herein described.

21 * * *

22 ~~(g)~~ (h) *Verification of substantial compliance with the Planned Unit*
23 *Development district.*

24 * * *

25 **Section 3. Codification Instructions.** The Codifier and the
26 Office of General Counsel are authorized to make all chapter and
27 division "tables of contents" consistent with the changes set forth
28 herein. Such editorial changes and any other necessary to make the
29 *Ordinance Code* consistent with the intent of this legislation are
30 approved and directed herein, and changes to the *Ordinance Code* shall
31 be made forthwith and when inconsistencies are discovered.

1 **Section 4. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

6
7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Jason R. Teal

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