

1 Introduced by Council Member Gaffney and Co-Sponsored by Council
2 Members Ferraro, Freeman, Bowman, Boylan, White & Diamond, and amended
3 by the Rules Committee:
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6 **ORDINANCE 2020-729-E**

7 AN ORDINANCE REGARDING THE PLANNING COMMISSION
8 RECOMMENDATIONS TO THE LAND USE AND ZONING
9 COMMITTEE AND THE COUNCIL; AMENDING CHAPTER 30
10 (PLANNING AND DEVELOPMENT DEPARTMENT), PART 2
11 (PLANNING COMMISSION), SECTION 30.203 (CONDUCT
12 OF BUSINESS), *ORDINANCE CODE*, REGARDING MINIMUM
13 NUMBER OF VOTES AT THE PLANNING COMMISSION FOR
14 RECOMMENDATIONS; AMENDING CHAPTER 650
15 (COMPREHENSIVE PLANNING FOR FUTURE
16 DEVELOPMENT), PART 4 (AMENDMENTS TO THE
17 COMPREHENSIVE PLAN), SECTION 650.405 (PLANNING
18 COMMISSION ADVISORY RECOMMENDATION AND PUBLIC
19 HEARING), *ORDINANCE CODE*, REGARDING THE TIMING
20 OF THE PLANNING COMMISSION RECOMMENDATION;
21 AMENDING CHAPTER 656 (ZONING CODE), PART 1
22 (GENERAL PROVISIONS), SECTION 656.129 (ADVISORY
23 RECOMMENDATION ON AMENDMENT TO THE ZONING CODE
24 OR REZONING OF LAND), *ORDINANCE CODE*, REGARDING
25 THE TIMING OF THE PLANNING COMMISSION
26 RECOMMENDATION; PROVIDING AN EFFECTIVE DATE.
27

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

29 **Section 1. Amending Section 30.203 (Conduct of Business),**
30 **Part 2 (Planning Commission), Chapter 30 (Planning and Development**
31 **Department), *Ordinance Code*.** Section 30.203 (Conduct of Business)

1 is hereby amended to read as follows:

2 **Chapter 30 - PLANNING AND DEVELOPMENT DEPARTMENT**

3 * * *

4 **PART 2. - PLANNING COMMISSION**

5 * * *

6 **Sec. 30.203. - Conduct of business.**

7 The Commission shall meet at least twice each month as set forth
8 herein (but it may waive one meeting each month by a majority vote
9 of the members), and special meetings shall be called in accordance
10 with its rules. The Commission shall hold regular meetings on the
11 first and third Thursdays of each month commencing at such time and
12 place as fixed by its bylaws, except for the first Thursday in July
13 and the third Thursday in December, so that such Commission meetings
14 are held on the Thursday that falls during the weeks that Council's
15 Standing Committees meet; and except that when a regular meeting day
16 shall fall on a legal holiday observed by the City, or on an election
17 day, the regular meeting of the Commission shall be held on a day and
18 at a time and place as fixed by its rules. Notwithstanding any
19 provision in these rules to the contrary, if a regular meeting day
20 shall fall on a date that coincides with the observances of a
21 religious holiday, such regular meeting may be rescheduled at the
22 direction of the Commission Chairperson. A quorum shall consist of
23 five members or duly appointed alternates. The concurrence of a
24 majority of the Commission members (five) shall be required before
25 any report or recommendation is made on any matter considered by the
26 Commission, or to act upon and make a final determination regarding
27 a request for an exception, a variance, a waiver, approval of cellular
28 antenna reviews or minor modifications, or an appeal from the decision
29 of the Building Official; provided, however, after one deferral due
30 to a lack of concurrence of a majority of the Commission members
31 (five), a report or recommendation to the Council, or a committee

1 thereof, shall only require the concurrence of a simple majority of
2 Commission members present, or a majority of quorum (three), whichever
3 is greater. If, by reason of absence or disqualification of a member,
4 a quorum is not reached, the Chairperson of the Commission shall
5 designate as many of the duly appointed alternates to serve as members
6 on the Commission for an individual meeting or until a vacancy is
7 filled, as may be needed to provide a quorum. When designated pursuant
8 to the provisions of this section, a duly appointed alternate shall
9 be entitled to participate in all proceedings and discussions of the
10 Commission to the same and full extent as provided by law for members,
11 including specifically the right to cast a vote as a voting member
12 during the proceedings, except for votes concerning the election of
13 officers of the Commission, and shall have all the powers and duties
14 as otherwise provided by law. Any duly appointed alternate may
15 participate in any proceeding or discussion of the Commission but
16 shall not be entitled to vote as a member of the Commission nor be
17 reimbursed pursuant to Part 7, Chapter 106 unless designated as a
18 voting alternate member by the Chairperson pursuant to this section.
19 A vacancy shall not impair the ability of the remaining members to
20 execute all the duties and perform all the functions of the
21 Commission. The Commission shall have the power to adopt, amend and
22 repeal rules for its internal organization and the conduct of its
23 business.

24 **Section 2. Amending Section 650.405 (Planning Commission**
25 **Advisory Recommendation and Public Hearing), Part 4 (Amendments to**
26 **the Comprehensive Plan), Chapter 650 (Comprehensive Planning for**
27 **Future Development), Ordinance Code.** Section 650.405 (Planning
28 Commission Advisory Recommendation and Public Hearing) is hereby
29 amended to read as follows:

30 **Chapter 650 - COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT**

31 * * *

PART 4. - AMENDMENTS TO THE COMPREHENSIVE PLAN

* * *

Sec. 650.405. - Planning Commission advisory recommendation and public hearing.

(a) *Planning Commission advisory recommendation.* The Commission shall be responsible for making an advisory recommendation to the Council with respect to each application to amend the comprehensive plan. The recommendation shall be made to the Council and shall become a part of the official legislative record of the application and the committee(s) of reference shall not report the application to the Council until the recommendation has been received, except as provided in this subsection. Unless a longer time is mutually agreed upon by the Council, the Commission and the Department in the particular case, or the Commission does not submit a recommendation to the appropriate committee of Council due to a delay described in (b) (6) below, the Commission and the Department shall submit their respective reports and recommendations to the Council in not more than 63 days from the date an application to amend the comprehensive plan is introduced into City Council. If the Commission or the Department fails to submit its report and recommendation to the Council within the above prescribed time, such failure shall be deemed to be a procedural recommendation for denial of the application to amend the comprehensive plan and the Council may proceed to act on the application to amend the comprehensive plan. In such case, the appropriate committee of Council shall serve as the Local Planning Agency. The reports and recommendations of the Commission and the Department shall be advisory only and shall not be construed to be binding upon the Council.

(b) *Planning Commission public hearing.* The Planning Commission, acting as the Local Planning Agency, shall hold at least one public hearing, advertised pursuant to Section 650.407 below, on

1 the proposed comprehensive plan amendment, pursuant to the following
2 procedures:

3 * * *

4 (6) If the applicant has not submitted the pictures of
5 the posted or reposted signs, if necessary, and the accompanying
6 notarized affidavit required per Section 650.407(c)(3), the
7 Department shall notify the Planning Commission, which shall delay
8 the hearing. The Planning Commission shall not approve or deny any
9 comprehensive plan amendment unless the applicant has submitted the
10 pictures of the posted or reposted signs, if necessary, and the
11 accompanying notarized affidavit in accordance with the requirements
12 set forth in Section 650.407(c)(3). If the Commission does not submit
13 a recommendation to the appropriate committee of Council due to a
14 delay caused by the applicant's failure to post and document the
15 posting of signs, the appropriate committee of Council shall delay
16 the hearing on the application to amend the comprehensive plan until
17 the applicant has submitted the pictures of the posted or reposted
18 signs, if necessary, and the accompanying notarized affidavit and the
19 Planning Commission has submitted a recommendation.

20 **Section 3. Amending Section 656.129 (Advisory**
21 **Recommendation on Amendment to Zoning Code or Rezoning of Land), Part**
22 **1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code.**
23 Section 656.129 (Advisory Recommendation on Amendment to Zoning Code
24 or Rezoning of Land) is hereby amended to read as follows:

25 **Chapter 656 - ZONING CODE**

26 **PART 1. - GENERAL PROVISIONS**

27 * * *

28 **Sec. 656.129. - Advisory recommendation on amendment to Zoning**
29 **Code or rezoning of land.**

30 * * *

31 (c) Time for Recommendation.

1 (1) Unless a longer time is mutually agreed upon by the
2 Council, the Commission and the Department in the particular case,
3 or the Commission does not submit a recommendation to the appropriate
4 committee of Council due to a delay described in (b) above, the
5 Commission and the Department shall submit their respective reports
6 and recommendations to the Council in not more than 63 days from the
7 date a proposed amendment to the Zoning Code is introduced into City
8 Council.

9 (2) If the Commission or the Department fails to submit
10 its report and recommendation to the Council within the above
11 prescribed time, such failure shall be deemed to be a procedural
12 recommendation for denial of the amendment to the Zoning Code or of
13 the proposal to rezone land and the Council may proceed to act on the
14 amendment to the Zoning Code or proposal to rezone land. The reports
15 and recommendations of the Commission and the Department shall be
16 advisory only and shall not be construed to be binding upon the
17 Council. If the Commission does not submit a recommendation to the
18 appropriate committee of Council due to a delay caused by the
19 applicant's failure to post and document the posting of signs, the
20 appropriate committee of Council shall delay the hearing on the zoning
21 application until the applicant has submitted the pictures of the
22 posted or reposted signs, if necessary, and the accompanying notarized
23 affidavit and the Planning Commission has submitted a recommendation.

24 * * *

25 **Section 4. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Shannon K. Eller

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