

1 Introduced by the Council President at the request of Mayor and  
2 amended on the Floor of Council:

3  
4  
5 **ORDINANCE 2022-383-E**

6 AN ORDINANCE AMENDING VARIOUS SECTIONS OF  
7 SUBPART H (DOWNTOWN OVERLAY ZONE AND DOWNTOWN  
8 DISTRICT USE AND FORM REGULATIONS), PART 3  
9 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656  
10 (ZONING CODE), *ORDINANCE CODE*, TO CHANGE THE  
11 NAME OF THE "CHURCH" DISTRICT TO THE "NORTHCORE"  
12 DISTRICT, ADD AND CLARIFY DEFINITIONS, ADD  
13 DEFINITION OF "WATER'S EDGE RESTAURANT", CLARIFY  
14 USES PERMITTED GENERALLY IN ALL DISTRICTS,  
15 CLARIFY THE BONUS USES IN THE CHURCH (NORTHCORE)  
16 DISTRICT, CLARIFY FORM REQUIREMENTS IN THE  
17 PRIVATE REALM, ADD DEVELOPMENT STANDARDS FOR A  
18 WATER'S EDGE RESTAURANT, REPLACE GRAPHIC FIGURE  
19 FOR TRANSPARENCY, ADD WATER'S EDGE RESTAURANTS  
20 AS AN EXEMPTION FROM THE RIVER SETBACK AND  
21 HEIGHT LIMITATIONS SO LONG AS A ZONING EXCEPTION  
22 FOR THAT USE IS OBTAINED, PROVIDING AN EXEMPTION  
23 FOR WATER'S EDGE RESTAURANTS TO BE CALCULATED IN  
24 THE VOLUME BONUS, REVISING REQUIREMENTS FOR NEW  
25 PARKING GARAGES AND SURFACE PARKING LOTS,  
26 REVISING PROCESS FOR DEMOLITION PERMITS, ADDING  
27 REVIEW OF REZONINGS TO DUTIES OF THE DDRB;  
28 AMENDING SECTION 30.204 (FUNCTIONS), PART 2  
29 (PLANNING COMMISSION), CHAPTER 30 (PLANNING AND  
30 DEVELOPMENT DEPARTMENT), *ORDINANCE CODE*, TO  
31 REMOVE THE REVIEW OF REZONINGS WITHIN THE

1 DOWNTOWN FROM PLANNING COMMISSION TO THE DDRB;  
2 PROVIDING AN EFFECTIVE DATE.

3  
4 **BE IT ORDAINED** by the Council of the City of Jacksonville:

5 **Section 1. Amending Subpart H (Downtown Overlay Zone and**  
6 **Downtown District Use and Form Regulations), Part 3 (Schedule of**  
7 **District Regulations), Chapter 656 (Zoning Code), Ordinance Code.**  
8 Chapter 656 (Zoning Code), Part 3 (Schedule of District Regulations),  
9 Subpart H (Downtown Overlay Zone and Downtown District Use and Form  
10 Regulations), *Ordinance Code*, is hereby amended as follows:

11 **CHAPTER 656. - ZONING CODE**

12 \* \* \*

13 **Part 3. - Schedule of District Regulations.**

14 \* \* \*

15 **Subpart H. - Downtown Overlay Zone and Downtown District Use and**  
16 **Form Regulations.**

17 \* \* \*

18 **Sec. 656.361.2. Downtown Overlay Zone Map and Boundaries.**

19 The boundaries of the Downtown Overlay Zone and its Overlay  
20 Districts (Overlay Districts or Districts) are shown on the Downtown  
21 Overlay Zone Map below.

22 **Downtown Overlay Zone Map - 2019**

23 \* \* \*

24 More specifically, the Downtown Overlay Zone boundaries are  
25 coextensive with the jurisdictional boundaries of the Downtown  
26 Investment Authority, which is described in Sec. 55.105, Ordinance  
27 Code, and includes all land within the following boundaries:

28 \* \* \*

29 *LaVilla District:* Beginning at the centerline of Broad Street and  
30 the centerline of State Street; thence northerly along said  
31 centerline line of Broad Street 1,726.25 feet to a point as defined

1 in the legal description prepared by Sunshine State Surveyors,  
2 Inc., dated September 24, 1990 on the Blodgett Homes site housing  
3 the State Regional Service Center; thence westerly along said line  
4 as referenced in the above survey to the centerline of Davis  
5 Street; thence southerly along said centerline of Davis Street to  
6 the centerline of Kings Road; thence westerly along said  
7 centerline of Kings Road to the northerly line of Interstate 95;  
8 thence southerly along the westerly right-of way line of  
9 Interstate 95 to the centerline of McCoy's Creek; thence southerly  
10 along the centerline of McCoy's Creek to the centerline of Park  
11 Street; thence northwesterly and westerly along the centerline of  
12 Park Street to the centerline of the Florida East Coast Railroad;  
13 thence southeasterly and easterly along the centerline of the  
14 Florida East Coast Railroad to the centerline of the Acosta Bridge  
15 and the centerline of Broad Street; thence northerly along the  
16 centerline of Broad Street to the point of beginning.

17 ~~Church~~ NorthCore District: Beginning at the centerline of Broad  
18 Street and the centerline of State Street; thence easterly along  
19 the centerline of State Street to the centerline of Main Street;  
20 thence southerly along the centerline of Main Street to the  
21 centerline of Church Street; thence easterly along the centerline  
22 of Church Street to the centerline of Broad Street; thence  
23 northerly along the centerline of Broad Street to the point of  
24 beginning.

25 \* \* \*

26 **Sec. 656.361.3. Definitions.**

27 The definitions contained in Part 16 of the Zoning Code shall  
28 apply. Those terms which are specific to this Subpart H are defined  
29 as follows:

30 \* \* \*

31 *Streetscape* means the visual character of a street as determined

1 by various elements such as structures, landscaping, open space,  
2 natural vegetation and view.

3 Structured parking means parking for vehicles in a structure, and  
4 includes ground level parking covered by a building, but does not  
5 include a shade structure.

6 *Urban Open Space* means an area within the Private Realm that is  
7 immediately adjacent to the Public Realm and integrated therewith.  
8 Unlike what is generally or conventionally considered "open space"  
9 within the suburban context, Urban Open Space is not just landscaping  
10 or seating or the absence of a building or structure, but rather is  
11 an area built for human activity and engagement and is comprised of  
12 public art, interactive equipment such as swings, exercise equipment,  
13 information kiosks, etc. as the anchor of that space. and open to the  
14 ~~public where people can stop to rest, people watch, meet with friends,~~  
15 ~~or just enjoy a book or the weather. It may include parks or plazas,~~  
16 ~~with associated public art or landscaping, and when adjacent to the~~  
17 ~~Public Realm serves to activate and engage pedestrians.~~ Urban Open  
18 Space also includes semi-private areas that may be fenced or gated  
19 but activities within are visible from the Public Realm, accessible  
20 directly from the Public Realm, and open to the public during business  
21 and service hours. It does not lose its character as Urban Open Space  
22 if dedicated to the public or conveyed to the City.

23 \* \* \*

24 Water's Edge Restaurant means any freestanding restaurant which  
25 seeks a zoning exception pursuant to Sec. 656.131, Ordinance Code,  
26 for all or any portion of the structure to be located within the  
27 established fifty (50) foot setback from the river's edge (Zone A).

28 \* \* \*

29 **Sec. 656.361.5. Use Regulations.**

30 **Sec. 656.361.5.1. Uses Permitted Generally—Applicable to all**  
31 **Overlay Districts Zoned CCBD.**

1 The use provisions in the various Overlay Districts are exclusive  
2 and a use not included under permitted or permissible uses shall be  
3 prohibited in the District. The following uses are permitted  
4 throughout Downtown (in all Overlay Districts) for parcels zoned  
5 CCBD:

6 \* \* \*

7 D. Restaurants, including ~~without the sale of beer, wine or other~~  
8 ~~alcoholic beverages in all Overlay Districts. In all Overlay~~  
9 ~~Districts with the exception of the Church District,~~  
10 restaurants, with the retail sale and service of all alcoholic  
11 beverages, for on-premises consumption, but not drive-in or  
12 drive-thru facilities. The minimum distance limitations in  
13 Part 8 (Alcoholic Beverages) of the Zoning Code this Chapter  
14 656 shall not apply to this use ~~except within the Church~~  
15 ~~District.~~

16 E. Banks, loan companies, mortgage brokers, stockbrokers and  
17 similar financial institutions.

18 F. All types of professional and business offices, union halls  
19 and similar uses (excluding day labor pools).

20 G. Schools, colleges, universities, business, trade or vocational  
21 schools.

22 H. Art galleries, museums, community centers, dance, art or music  
23 studios, and similar uses.

24 I. Hotels and motels, bed and breakfasts.

25 J. Floral, fruit, vegetable, poultry or fish markets.

26 K. In all Overlay Districts, with the exception of the Church  
27 NorthCore District, entertainment establishments or  
28 facilities, including nightclubs, billiard parlors, dance  
29 halls, and private clubs, etc. with or without the retail sale  
30 and service of all alcoholic beverages for either on-premises  
31 or off-premises consumption, or both, (but not adult

1 entertainment or dancing entertainment establishments) and  
2 with no minimum ~~liquor~~ distance limitations outlined in Part  
3 8 (Alcoholic Beverages) of this Chapter 656.~~between a church~~  
4 ~~and such establishment except within the Church District.~~

5 L. Automobile parking garages.

6 M. Multiple-family dwellings as standalone uses or as part of a  
7 mixed-use building, and dormitories when in conjunction with  
8 a college or university.

9 N. Housing for the elderly, Assisted Living Facilities (ALF) and  
10 nursing homes.

11 O. Day care or adult care centers meeting the performance  
12 standards and development criteria set forth in Part 4.

13 P. Churches, places of worship, and other places of assembly  
14 including a rectory and similar uses, providing that minimum  
15 ~~liquor~~ distance limitations outlined in Part 8 (Alcoholic  
16 Beverages) of this Chapter 656 do not apply ~~except within the~~  
17 ~~Church District.~~

18 Q. Medical or dental clinics.

19 R. Medical or dental laboratories when incorporated within a  
20 medical or dental clinic.

21 S. Marinas.

22 T. Public utilities such as lift stations, pump stations, wells,  
23 electric substations and chilled water plants (but not a  
24 hazardous waste transfer station).

25 U. ~~In All Overlay Districts With the Exception of the Church~~  
26 ~~District:~~ An establishment or facility in which beer, wine, or  
27 other alcoholic beverages, as those terms are defined in  
28 Chapter 561 through Chapter 565, Florida Statutes, are  
29 produced for on-site consumption and off-site sales that meet  
30 the following criteria: (1) Beer production not to exceed  
31 10,000 barrels (310,000 gallons), and off-site sales to a state

1 licensed wholesaler not to exceed 75 percent of production;  
2 (2) An on-site retail sales and service area shall comprise at  
3 least ten percent of the gross square foot area of the  
4 facility; and (3) The on-site retail sales and service area  
5 shall be accessible from the main public entrance, identified  
6 for access by the public. Part 8 (Alcoholic Beverages) of this  
7 Chapter 656 shall not apply to this use.

8 V. ~~In All Overlay Districts With the Exception of the Church~~  
9 ~~District:~~ Within the Private Realm (not within the right-of-  
10 way), permanent or restricted outside sale and service of food  
11 and beverages, including beer, wine and alcohol, meeting the  
12 performance standards and development criteria set forth in  
13 Part 4 of this Chapter 656. Within the Public Realm, outside  
14 sale and service of food and beverages, including beer, wine  
15 and alcohol, meeting the requirements of Part 8 (Downtown  
16 Sidewalk Cafes) of Chapter 250. Part 8 (Alcoholic Beverages)  
17 of this Chapter 656 shall not apply to this use ~~except as~~  
18 ~~measured to uses within the Church District.~~ Within the  
19 NorthCore District, permanent or restricted outside sales of  
20 beer, wine and alcohol, both in the Private and Public Realms,  
21 must be in conjunction with a restaurant with outside sale and  
22 service of food.

23 \* \* \*

24 AA. Homeless centers and rescue missions that exist as of March 1,  
25 2019; provided, however that: by July 1, 2024, all of these  
26 existing facilities must have all activities, including  
27 waiting or queuing lines, in a completely enclosed structure;  
28 and, these existing facilities may not be expanded in scope or  
29 footprint unless such structural expansion is directly related  
30 to enclosing space for the activities, waiting or queuing  
31 lines.

1 BB. Parks.

2 CC. Distribution of artisan or craft merchandise, other than beer,  
3 wine or alcohol, when in conjunction with a retail or  
4 restaurant use with an on-site point of sale, where  
5 distribution and storage is equal to or less than 50% of the  
6 total business/building area, or 10,000 square feet, whichever  
7 is less.

8 **Sec. 656.361.5.2. Uses Regulated by District.**

9 A. *Brooklyn District.*

10 1. *Bonus uses.*

11 \* \* \*

12 2. *Uses permissible by exception.*

13 \* \* \*

14 (j) Day Labor pool provided all activities, including waiting  
15 or queuing, are completely located within an enclosed  
16 facility.

17 (k) Water's Edge Restaurants, meeting the exception criteria  
18 found in Sec. 656.131, Ordinance Code, and the development  
19 standards found in 656.361.5.4.(B).

20 \* \* \*

21 C. ~~Church~~ NorthCore *District.*

22 1. *Bonus uses.*

23 (a) Detached Single-Family Homes.

24 ~~(b) Sale and service of beer, wine or alcohol for on-premises~~  
25 ~~consumption. only when in conjunction with a bona fide~~  
26 ~~restaurant and provided that:~~

27 ~~(1) At least 51 percent of the gross revenue of the~~  
28 ~~restaurant must be from the sale of food and non-alcoholic~~  
29 ~~beverages;~~

30 ~~(2) There is no outside sale or service of food or drink~~  
31 ~~either as a sidewalk café or within the property~~



1 boundaries, other than a rooftop restaurant meeting these  
2 standards which allows no amplified music;  
3 (3) Service of full course meals is available at all times  
4 beer, wine or alcohol is being served; and  
5 (4) Roll up doors or movable walls open to the street  
6 frontage with service visible are prohibited.

7 (c) Restaurants that do not engage in the sale and service of  
8 beer, wine or alcohol for on-premises consumption, may  
9 provide outdoor sales and service of food and non-alcoholic  
10 beverages, either meeting the criteria of Chapter 250, Part  
11 8 (Downtown Sidewalk Cafés), or within the Private Realm.

12 (d) Warehousing storage or distributorship businesses when in  
13 conjunction with an on-site point of sale, and where the total  
14 operation does not require more than 10,000 square feet or  
15 where the warehousing, storage or distribution business is  
16 equal to or less than 75 percent of the total building area,  
17 whichever is less.

18 \* \* \*

19 E. *Central Core District.*

20 1. *Bonus uses:* None.

21 2. *Uses permissible by exception.*

22 \* \* \*

23 (e) Private clubs.

24 (f) Water's Edge Restaurants, meeting the exception criteria  
25 found in Sec. 656.131, Ordinance Code, and the development  
26 standards found in 656.361.5.4.(B).

27 F. *Sports and Entertainment District.*

28 1. *Bonus uses:* None.

29 \* \* \*

30 2. *Uses permissible by exception.*

31 \* \* \*

1 (c) Thrift stores (retail outlets for the sale of used goods).

2 (d) Water's Edge Restaurants, meeting the exception criteria  
3 found in Sec. 656.131, Ordinance Code, and the development  
4 standards found in 656.361.5.4.(B).

5 G. *Working Waterfront District.*

6 1. *Bonus uses:* All uses permitted within the IW Zoning District.

7 2. *Uses permissible by exception.*

8 \* \* \*

9 (e) Bulk processing, including flammable liquids.

10 (f) Water's Edge Restaurants, meeting the exception criteria  
11 found in Sec. 656.131, Ordinance Code, and the development  
12 standards found in 656.361.5.4.(B).

13 H. *Southbank District.*

14 1. *Bonus uses:* None.

15 2. *Uses permissible by exception.*

16 \* \* \*

17 (h) Private clubs.

18 (i) Water's Edge Restaurants, meeting the exception criteria  
19 found in Sec. 656.131, Ordinance Code, and the development  
20 standards found in 656.361.5.4.(B).

21 \* \* \*

22 **Sec. 656.361.5.4. Development Standards for Uses Regulated by**  
23 **District.**

24 The following additional development standards shall apply to  
25 uses permitted and permissible in Downtown:

26 A. Personal property storage. It is the intent that self-storage  
27 facilities are part of a mixed-use building with ground floor  
28 activation.

29 \* \* \*

30 B. Water's Edge Restaurants. Water's Edge Restaurants, including  
31 those that utilize the open-air dining over sovereign submerged

1 lands option provided by Rule 18-21.004, Florida Administrative  
2 Code, are exempt from the 50-foot setback requirement so long  
3 as the exception criteria in Sec. 656.131 and all of the  
4 following criteria are met:

- 5 1. The width of the building, or width of a structure blocking  
6 the view to the waterfront is not greater than 75-feet;
- 7 2. The restaurant must be open to the general public with no  
8 qualifying requirements, such as club membership, stock  
9 ownership, or equity interest;
- 10 3. The restaurant is prohibited from blocking a View and Access  
11 Corridor;
- 12 4. Only one (1) exempt restaurant is allowed between any two  
13 View and Access Corridors;
- 14 5. The height of the building and structure, as measured from  
15 the finished floor elevation, is no greater than 20-feet in  
16 height, or up to 35-feet in height to accommodate rooftop  
17 restaurant, bars, or other activities; and
- 18 6. A Riverwalk Easement of equal required width is provided by  
19 the applicant as close as practicable to the waterfront.

20 \* \* \*

21 **Sec. 656.361.6.2. Private Realm Regulations.**

22 New development and redevelopment of existing structures should  
23 contribute to the creation of a coherent, well-defined and active  
24 public realm that supports pedestrian activity and social  
25 interaction, and to the creation of a well-organized and functional  
26 private realm that supports the needs of tenant businesses and  
27 residents. New development and redevelopment also should contribute  
28 to a visually and functionally integrated pattern of development that  
29 reads as a consistent and attractive whole. Thus, the general building  
30 forms and functions and how they are organized on the site and in  
31 relation to surrounding development have as much to do with the area's

1 character and function as a building's aesthetic characteristics.

2 A. *Build-to lines/Lot Frontage.*

3 \* \* \*

4 2. *Build-To Requirements for all new buildings:*

5 \* \* \*

6 (m) For residential ~~use~~ units at street level on the street  
7 frontage: In order to provide ample visual separation  
8 between the residential unit and the public realm, the  
9 first floor shall be either:

10 (1) Raised a minimum of three feet above the sidewalk; but  
11 no greater than six feet, or one foot above the minimum  
12 flood elevation; whichever is greater; or

13 (2) Set back from the required Pedestrian Zone interior  
14 edge the lesser of the setback required to align with  
15 the front plane of other residential structures on the  
16 street or set back a distance of between five feet and  
17 15 feet, exclusive of stairs that are used to access  
18 the dwelling unit. The setback area shall be developed  
19 as Urban Open Space or otherwise enhanced to improve  
20 the aesthetic appearance from or engagement with the  
21 Pedestrian Zone. An example of pedestrian engagement  
22 close to the Pedestrian Zone might be an open front  
23 porch.

24 (3) Access to ground-floor residential units shall be  
25 directly from the street to promote active residential  
26 street frontage. Stoops, front porches, porticos,  
27 and/or forecourts shall be incorporated to buffer  
28 residential uses and provide pedestrian interest.

29 \* \* \*

30 C. *Building Massing and Form.*

31 \* \* \*



- (c) Cathedral District - 65-foot height limit;
- (d) Waterfront Design and River Views - See subsection 656.361.6.2.H.

**Map 6.2.D**

\* \* \*

*G. Transparency.*

1. *Purpose and Intent:* The urban environment will be enhanced by minimizing the area of blank wall space on the ground-floor level. The purpose of the transparency requirement is to encourage continuity of retail and pedestrian consumer service uses and to provide a pleasant, rich, and diverse experience for pedestrians by visually connecting activities occurring within a structure to adjacent sidewalk and Riverwalk areas, prohibiting fortress-like façades at the street level and avoiding a monotonous environment. All buildings and structures with street or waterway frontage shall meet, as shown in Figure 6.2.G, below, the following requirements.

**Figure 6.2.G Transparency**

\* \* \*

2. *Requirements:*

- (a) At least 50 percent of each new or re-constructed building façade, between the height of two feet and ten feet above the sidewalk or Riverwalk grade shall be transparent.
- (b) Uses which can be seen from the sidewalk inside the building within the required transparency area shall be habitable space, or space able to be occupied, and shall not be devoted to parking areas, truck loading areas, vehicular access ways, or storage.
- (c) The required transparency area shall not apply to those

1 portions of building frontage with ground floor  
2 residential units located fronting the sidewalk, ~~or to~~  
3 ~~a parking garage or surface parking integrated into a~~  
4 ~~residential building where the parking at ground level~~  
5 ~~is no more than 75% of any street frontage and is~~  
6 ~~screened in whole or part by landscape material or other~~  
7 ~~architectural treatments that soften the space for~~  
8 ~~pedestrians.~~

9 \* \* \*

10 H. *Waterfront Design and River Views: setbacks, height and access*  
11 *corridors.*

12 \* \* \*

13 3. *Setback from River parallel to the Waterfront.* Public access  
14 along the riverfront, as well as preservation of river views  
15 and pedestrian scale parallel to the waterfront shall be  
16 maintained by adherence to the following:

- 17 (a) Consistent with the adopted Community Redevelopment Area  
18 Plans for Downtown Northbank and Southbank, a 50-foot  
19 minimum setback from the St. Johns River's water edge shall  
20 be enforced, except for projects granted a Water's Edge  
21 Restaurant exception. This setback may be achieved by  
22 providing an average building or vertical structure setback  
23 of 50feet from the bulkhead or mean high water line, with  
24 a minimum setback of 40 feet in all locations. No building  
25 element or vertical structure that reduces the setback to  
26 less than 50 feet may extend more than 50 feet in length  
27 parallel to the waterfront, and other portions of the same  
28 building shall be setback beyond 50 feet in order to  
29 achieve the average setback of 50 feet across the entire  
30 building frontage. This waterfront setback is Zone A, from  
31 the water's edge measured from the waterside face of the

1 bulkhead or the rip-rap revetment at the Mean High Water  
2 Line ("MHWL") extending landward of the river, as  
3 established at the time of request for a building permit  
4 and DDRB review, as shown in Table 6.2.H and Map 6.2.H  
5 below.

6 \* \* \*

7 (e) In Zone A, outside of the 25-foot band closest to the  
8 water, Zone A may be activated with non-permanent  
9 structures and furnishings such as tables, chairs and  
10 umbrellas that are completely open and accessible to the  
11 Riverwalk for use with cafes, bars and the like located  
12 outside of Zone A; Urban Open Space amenities such as  
13 fountains and public recreational amenities of a height no  
14 greater than 18 feet (entirely open to the public without  
15 charge); and private accessory uses not to exceed four feet  
16 in height, and fully visible from the Riverwalk such as  
17 swimming pools, patios, putting greens and other horizontal  
18 private outdoor recreational amenities in which case a  
19 transparent fence may be allowed no closer to the water  
20 than 26 feet from the bulkhead or MHWL separating the  
21 private uses from the Riverwalk easement.

22 4. *Height Zones parallel to the Waterfront.* Preservation of  
23 river views and pedestrian scale parallel to the waterfront  
24 shall be maintained. ~~Adherence~~ A Water's Edge Restaurant  
25 granted a zoning exception shall not be required to be  
26 calculated in the volume bonus. Adherence to the following  
27 criteria shall constitute a "safe harbor" that the intent of  
28 the Regulation has been achieved without the need for a  
29 Deviation:

30 \* \* \*

31 (b) Furthermore, consistent with the goal of encouraging



1 narrower buildings and greater open space adjacent to View  
2 and Access Corridors, an additional volume bonus, as  
3 depicted in Illustration 6.2.H, below, shall be available  
4 for open space in the first 75 feet of the unlimited height  
5 zone parallel and adjacent to Zone C as follows:

6 To be eligible for ~~bonus~~ volume bonus credit:

- 7 (1) The full height unobstructed open space must be  
8 immediately adjacent to the View and Access  
9 Corridor(s); and

10 \* \* \*

- 11 (c) The approval of a height increase in Zones B and/or C  
12 while maintaining the maximum volume, including any open  
13 space volume bonus, shall be administrative based upon a  
14 verification that the overall volume allowed by the  
15 maximum width and maximum height along the river pursuant  
16 to Table 6.2.H is equal to or greater than the volume  
17 proposed. Height may be transferred between Zones B and C  
18 as well as within a Zone but may not be transferred to  
19 Zone A.

20 5. *Deviations:* Except as specifically authorized in this  
21 subsection, no Deviation from 656.361.6.2.H. shall be  
22 allowed. The ability to deviate from River View Corridors,  
23 from Zone A setback or permitted uses, from Zone B and C  
24 height limitations where the volume within the Zone is  
25 increased without a volume trade as described above, and/or  
26 Riverwalk is specifically vested in the City Council.

27 Deviations may be allowed by the City Council, following  
28 consideration and issuance of a recommendation regarding same  
29 by DDRB, if the decision is based on competent substantial  
30 evidence that the request meets all of the General Deviation  
31 Criteria contained in subsection 656.361.8.B, and in addition

1 meets all of the criteria listed below.

2 \* \* \*

3 (d) Deviation for greater height of a free-standing  
4 waterfront restaurant than provided in Sec.  
5 656.361.6.2.H.(4) (d), which shall meet at least the  
6 General Deviation Criteria.

7 \* \* \*

8 K. *Off-Street Parking.*

9 \* \* \*

10 3. *Requirements for Form of Parking areas.*

11 (a) New parking garages (public or private).

12 (1) ~~Ground floor must contain:~~ 50% of the total ground floor  
13 street frontage, not including entrances into the  
14 garage, must be activated utilizing one of the methods  
15 detailed below:

16 (i) Non-parking active use ~~(meaning such as retail,~~  
17 ~~commercial, residential, or office use that would~~  
18 ~~activate the street) shall represent a minimum of~~  
19 ~~50 percent of the street frontage, except for~~  
20 ~~entrance into garage; or~~

21 (ii) Urban Open Space with a minimum ~~Minimum~~ 20-foot  
22 ~~depth, 20-foot width and 25-foot height of urban~~  
23 ~~open space and art fronting public R/W; or~~

24 (iii) A combination of non-parking active use and Urban  
25 Open Space. ~~urban open space/art on R/W.~~

26 (2) The required minimum 50% activation may be achieved in  
27 the aggregate but shall not represent less than 25% of  
28 each street frontage.

29 (3) Notwithstanding the foregoing, property along the  
30 Emerald Trail or within the FAB-REP boundary must  
31 provide 100% non-parking active use or Urban Open Space

1                   along all such street frontages less garage entrances.

2           (24) To the greatest extent practicable, owners will strive  
3           to make 50 percent of spaces open to the public during  
4           non-business hours, of the associated business.

5           (35) The entire vertical height of an exposed facade ~~façades~~  
6           of a parking structure ~~structures~~, and including parking  
7           structures integrated within a larger building ~~that can~~  
8           ~~be viewed from the street~~, shall be clad in a material  
9           architecturally compatible with the other occupied  
10          floors of the building and/or compatible with the  
11          material used to cover the exterior of the abutting  
12          building. Such material shall effectively and  
13          attractively obscure the view to the interior of all  
14          parking decks. Plants may be used to augment the screen.

15          (46) Parking structures shall be designed such that sloping  
16          circulation bays are not expressed in the exterior  
17          treatment of the parking structure on any street  
18          frontage.

19          (57) The design of the parking structure shall insure that  
20          parked cars are not visible from the street level, except  
21          as may be unavoidable at entrances and exits.

22          (68) Parking structure vehicular ingress and egress shall be  
23          located on secondary streets unless there is only one  
24          frontage or traffic conditions prohibit.

25          (79) Where the parking structure has one street frontage,  
26          this frontage shall be considered the primary street.

27          (810) Where a parking structure has two or more street  
28          frontages, one is primary and the remaining are  
29          secondary.

30          (911) Prior to final site plan approval of the parking  
31          structure by DDRB, the Traffic Engineer shall provide

1 written comment to DDRB staff as to the acceptability  
2 of proposed ingress and egress for the parking structure  
3 and potential impacts on traffic.

4 (b) New surface, or expansion of existing surface parking:

5 (1) Prohibited in the Central Core and Southbank Districts;

6 (2) In Districts other than the Central Core, new or  
7 expansion surface parking of more than six spaces for  
8 non-residential uses, whether Accessory or On-Site, is  
9 prohibited unless interior to the parcel and wrapped by  
10 building on the street frontage;

11 (3) For residential use parcels, On-Site or Accessory  
12 structured parking shall meet the Requirements of  
13 656.361.6.2.G (Transparency) and for surface parking,  
14 shall meet the Requirements of 656.361.6.2.L  
15 (Screening and Landscaping of Surface Parking, and  
16 Trash, Storage and Loading Areas);-

17 (4) In the Sports and Entertainment and Working Waterfront  
18 Districts, new or expansion of surface parking of more  
19 than six spaces for non-residential uses, whether  
20 Accessory or On-Site, is allowed so long as it is  
21 interior to the parcel and wrapped by building on the  
22 street frontage, or as otherwise approved by grant of  
23 a Zoning Exception.

24 \* \* \*

25 M. *Demolition and Vacant Lot Regulations.*

26 \* \* \*

27 (b) If a lot has a building, structure or use ~~that requires~~  
28 ~~demolition~~ to be demolished, the lot shall also meet the  
29 minimum standards as identified below:

30 (1) Demolition of any building or structure downtown ~~must~~  
31 ~~comply with the criteria set out in~~ shall be consistent

1 with Chapter 320, Ordinance Code. ~~for demolitions,~~  
2 ~~including consideration of the historic nature of the~~  
3 ~~structure, and the compliance with the BID Plan.~~  
4 ~~Compliance with the BID Plan shall be determined by the~~  
5 ~~DDRB. Demolition must be approved by both the DDRB and~~  
6 ~~the Building Inspection Division ("BID").~~

7 (2) In addition to the above, prior to the issuance of a  
8 demolition permit for a building or structure that is  
9 either listed on the National Register of Historic  
10 Places, is a contributing structure within Downtown's  
11 historic district, or that is designated as a landmark,  
12 the following must occur:

- 13 (i) the applicant shall provide a plan for redevelopment  
14 of the property;  
15 (ii) DDRB must determine that the redevelopment plan is  
16 in compliance with the BID and CRA Plan; and  
17 (iii) DDRB must give Conceptual and Final Approval of the  
18 redevelopment project.

19 (23) Upon the approval by DDRB of the above, and ~~BID~~ the  
20 Building Inspection Division of the demolition, issuance  
21 of a city demolition permit, completion of the  
22 authorized demolition, and removal of the materials,  
23 debris and rubbish from the site, the site shall be  
24 restored in accordance with this Section.

25 (34) All vacant properties shall be graded to a uniform level,  
26 free of irregular surface changes. All concrete slabs,  
27 brick foundations, etc. that would prohibit the proper  
28 growth of required landscaping, shall be removed from  
29 the site. Changes in grade between the subject property  
30 and adjacent properties shall be minimized.

31 (45) Any landscaping that is removed shall be replaced

1           pursuant to subsection 656.361.6.2.L and as approved by  
2           DDRB.

3       (~~56~~) The vacant lot shall have sod or grass planted on the  
4           entire vacant lot pursuant to Part 4, Chapter 320,  
5           Ordinance Code, except those areas planted with trees  
6           and shrubs, and as approved by DDRB.

7       (~~67~~) If the vacant lot is used for the storage of materials,  
8           equipment, etc., but not cars, the vacant lot shall meet  
9           the perimeter landscape requirements of subsection  
10          656.361.6.2.L for lots of a size from zero to 50 spaces.

11       (~~78~~) All vacant lots brought into conformance with this  
12          section shall be maintained pursuant to Part 5, Chapter  
13          518, Ordinance Code.

14       (~~89~~) The vacant lot shall not be used to park cars, unless  
15          it is approved as a Temporary Parking Lot by the DDRB.  
16          Such Temporary Parking Lot shall be catalogued and  
17          administered by the DDRB as to the time limits and other  
18          factors regarding its temporary nature.

19                           \* \* \*

20       **Sec. 656.361.9. Downtown Development Review Board.**

21       There is hereby established within the DIA, a Downtown  
22       Development Review Board (DDRB) to assist the DIA in its duties. The  
23       DDRB staff is housed within the DIA, thus "DDRB staff" and "DIA staff"  
24       may be used interchangeably. See also Section 55.110, Ordinance Code.

25                           \* \* \*

26       C. *Powers and Duties.* DIA shall have the responsibility and  
27       authority to approve any amendments to the Downtown Design  
28       Guidelines, recommend and review proposed changes to the  
29       Downtown District Regulations, interpret the BID Plan, approve  
30       development and redevelopment projects within the Downtown  
31       Overlay Zone, and succeed to all of the powers of the former

1 Downtown Development Authority.

2 In order to assist the DIA in carrying out this  
3 responsibility, the DDRB shall have the following powers and  
4 duties:

5 \* \* \*

6 3. To review and make decisions regarding requests for zoning  
7 exceptions, zoning variances, and other zoning requests,  
8 and to review and make recommendations regarding rezonings,  
9 including companion Future Land Use Map amendments,  
10 pertaining to properties located within the Downtown  
11 Overlay Zone that would otherwise be heard by the Planning  
12 Commission. However, the Planning Commission remains the  
13 Local Planning Agency for matters related to the  
14 Comprehensive Plan, including but not limited to Future  
15 Land Use Map and text amendments. For rezonings within  
16 the Downtown Overlay that have a companion Future Land Use  
17 Map amendment, both the Planning Commission and DDRB shall  
18 review and make recommendations to the City Council and  
19 the DIA, as the case may be; and

20 \* \* \*

21 **Section 2. Amending Section 30.204 (Functions), Part 2**  
22 **(Planning Commission), Chapter 30 (Planning and Development**  
23 **Department), Ordinance Code.** Chapter 30 (Planning and Development  
24 Department), Part 2 (Planning Commission), Section 30.204  
25 (Functions), is hereby amended to read as follows:

26 **Chapter 30. - PLANNING AND DEVELOPMENT DEPARTMENT**

27 \* \* \*

28 **PART 2. PLANNING COMMISSION**

29 \* \* \*

30 **Sec. 30.204. Functions.**

31 The Commission shall:

1 (a) Review proposed land use changes, text changes to the  
2 Comprehensive Plan, requests for exceptions, variances, ~~and~~  
3 waivers to the Zoning Code, and rezonings (except those  
4 pertaining to properties located within the Downtown Overlay  
5 Zone, as defined in Section 656.361.2), appeals from written  
6 orders granting or denying an administrative deviation and  
7 written interpretations of the Zoning Code and final orders of  
8 the Cell Tower Review Committee and other matters related to  
9 land use and area planning which are referred to the Department  
10 or to the Commission pursuant to law. For rezonings within the  
11 Downtown Overlay that have a companion Future Land Use Map  
12 amendment, both the Commission and the Downtown Development  
13 Review Board shall review and make recommendations to the City  
14 Council and the DIA, as the case may be.

15 (b) Review and make recommendations to the Council on proposed  
16 changes to the Zoning Code, the Code of Subdivision Regulations  
17 and other land development regulations or amendments thereto,  
18 ~~and with respect to all rezonings, except rezonings of~~  
19 ~~properties located within the Downtown Overlay Zone, as~~  
20 ~~defined in Section 656.361.2).~~

21 \* \* \*

22 **Section 3. Effective Date.** This ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25  
26 Form Approved:

27  
28 /s/ Lawsikia J. Hodges

29 Office of General Counsel

30 Legislation prepared by: Susan C. Grandin

31 GC-#1506821-v2-2022-383-E\_