

1 Introduced by Council Members Bowman, Boylan, Diamond, Ferraro,  
2 Freeman, Gaffney and White:

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5 **ORDINANCE 2021-175-E**

6 AN ORDINANCE REGARDING CHAPTER 656 (ZONING  
7 CODE), *ORDINANCE CODE*; CREATING A NEW SECTION  
8 656.720 (NONCONFORMING USE ADMINISTRATIVE  
9 DEVIATION), PART 7 (NONCONFORMING LOTS, USES  
10 AND STRUCTURES), CHAPTER 656 (ZONING CODE),  
11 *ORDINANCE CODE*, TO PROVIDE FOR ADMINISTRATIVE  
12 DEVIATIONS FOR CERTAIN NONCONFORMING USES;  
13 PROVIDING AN EFFECTIVE DATE.

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15 **WHEREAS**, certain nonconforming uses serve the public interest  
16 by providing services that are not readily available, or serving a  
17 cultural, historic, or artistic purpose in a neighborhood; and

18 **WHEREAS**, rezoning these properties could lead to spot zoning  
19 and result in greater impacts to a neighborhood than the impacts  
20 from such nonconforming uses; and

21 **WHEREAS**, providing a process to review and permit such  
22 nonconforming uses to continue serves a public purpose while also  
23 protecting surrounding properties by limiting such nonconforming  
24 uses through the administrative deviation process, as described  
25 herein; now, therefore

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

27 **Section 1. Creating a new Section 656.720 (Nonconforming**  
28 **Use Administrative Deviation), Part 7 (Nonconforming Lots, Uses and**  
29 **Structures), Chapter 656 (Zoning Code), Ordinance Code. Part 7**  
30 **(Nonconforming Lots, Uses and Structures), Chapter 656 (Zoning**

1 Code), *Ordinance Code*, is hereby amended to create a new Section  
2 656.720 (Nonconforming Use Administrative Deviation) as follows:

3 **Chapter 656 - ZONING CODE**

4 \* \* \*

5 **PART 7. - NONCONFORMING LOTS, USES AND STRUCTURES**

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7 **Sec. 656.720. - Nonconforming Use Administrative Deviation.**

8 (a) The Zoning Administrator, or if absent, as designated by  
9 the Director, is authorized to grant nonconforming use  
10 administrative deviations in areas outside of the Downtown Overlay  
11 Zone as defined in Section 55.105, pursuant to this Section,  
12 notwithstanding any other provision of this Chapter. The  
13 procedures for administrative deviations in Part 1 of this Chapter  
14 shall apply to nonconforming use administrative deviations pursuant  
15 to this Section, except as modified by this Section.

16 (b) The property and use shall meet the following application  
17 requirements:

18 (1) The property shall be less than one acre.

19 (2) Development on the property shall not exceed the  
20 impervious surface limits in this Chapter for the Zoning District  
21 with similar uses. An applicant may propose modifications to the  
22 property in the application to meet this requirement.

23 (3) The property shall have been used for the  
24 nonconforming use at some point prior to April 25, 1991.

25 (4) The nonconforming use requested shall be the same  
26 nonconforming use that existed at some point prior to April 25,  
27 1991.

28 (5) The nonconforming use shall not be an industrial use  
29 or any use for the sale or service of alcoholic beverages,  
30 including liquor, beer or wine.

31 (6) The nonconforming use shall be an authorized use in

1 the property's current future land use category pursuant to the  
2 comprehensive plan.

3 (c) In order to authorize a nonconforming use administrative  
4 deviation, the Zoning Administrator shall first determine whether  
5 the application meets the application requirements in subsection  
6 (b). The Zoning Administrator shall not grant a nonconforming use  
7 administrative deviation unless the Zoning Administrator makes a  
8 positive finding, based on the substantial competent evidence, on  
9 each of the following criteria. The Zoning Administrator may impose  
10 conditions or restrictions to mitigate impacts of the nonconforming  
11 use.

12 (1) The request is not based exclusively upon a desire  
13 to reduce the cost of developing the site, but would accomplish  
14 some result that is in the public interest, such as, for example,  
15 providing services that are not readily available (food desert,  
16 medical services, social services), or serving a cultural,  
17 historic, or artistic purpose in the neighborhood.

18 (2) The nonconforming use will not substantially  
19 diminish property values in, nor alter the essential character of,  
20 the area surrounding the site and will not substantially interfere  
21 with or injure the rights of others whose property would be  
22 affected by the deviation.

23 (3) The nonconforming use will not be detrimental to the  
24 public health, safety or welfare, result in additional public  
25 expense, the creation of nuisances, or conflict with any other  
26 applicable law.

27 (4) The nonconforming use can be made personal to the  
28 applicant (non-transferable).

29 **Secs. 656.7201–656.724. - Reserved.**

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31 **Section 2. Effective Date.** This Ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective  
2 without the Mayor's signature.

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4 Form Approved:

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6       /s/ Shannon K. Eller      

7 Office of General Counsel

8 Legislation Prepared By: Shannon K. Eller

9 GC-#1422100-v1-Nonconforming\_Uses\_Legislation