

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
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Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

June 9, 2022

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-383**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve \ Amend**

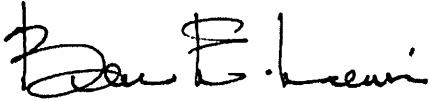
Planning Commission Recommendation: **Approve \ Amend**

Planning Commission Commentary: There were two speakers in opposition and little discussion among the Commissioners.

| | |
|---------------------------|--------|
| Planning Commission Vote: | 7-0 |
| David Hacker, Chair | Aye |
| Alex Moldovan, Vice Chair | Aye |
| Ian Brown, Secretary | Aye |
| Marshall Adkison | Aye |
| Daniel Blanchard | Aye |
| Jordan Elsbury | Aye |
| Joshua Garrison | Absent |
| Jason Porter | Aye |

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2022-383

AN ORDINANCE AMENDING VARIOUS SECTIONS OF SUBPART H (DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM REGULATIONS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO CHANGE THE NAME OF THE “CHURCH” DISTRICT TO THE “NORTHCORE” DISTRICT, ADD AND CLARIFY DEFINITIONS, CLARIFY USES PERMITTED GENERALLY IN ALL DISTRICTS, CLARIFY THE BONUS USES IN THE CHURCH (NORTHCORE) DISTRICT, CLARIFY FORM REQUIREMENTS IN THE PRIVATE REALM, REPLACE GRAPHIC FIGURE FOR TRANSPARENCY, ADD FREE STANDING WATERFRONT RESTAURANTS AS AN EXCEPTION TO THE RIVER SETBACK AND HEIGHT LIMITATIONS, PROVIDING AN EXEMPTION FOR WATERFRONT RESTAURANTS TO BE CALCULATED IN THE VOLUME BONUS, REVISING REQUIREMENTS FOR NEW PARKING GARAGES AND SURFACE PARKING LOTS, REVISING PROCESS FOR DEMOLITION PERMITS, ADDING REVIEW OF REZONINGS TO DUTIES OF THE DDRB; AMENDING SECTION 30.204 (FUNCTIONS), PART 2 (PLANNING COMMISSION), CHAPTER 30 (PLANNING AND DEVELOPMENT DEPARTMENT), ORDINANCE CODE, TO REMOVE THE REVIEW OF REZONINGS AND CHANGES TO THE ZONING CODE WITHIN THE DOWNTOWN FROM PLANNING COMMISSION TO THE DDRB.

I. GENERAL INFORMATION

- The bill amends Zoning Code Part 3 – Schedule of District Regulations – in Subpart H – Downtown Overlay Zone and Downtown District Use and Form Regulations - Changes the name of the “Church” district to the “NorthCore” district; Adds new definitions and clarifies definitions, permitted uses, bonus uses, and form requirements in the private realm; Replaces graphic figures for transparency; Adds parks as a permitted use in the CCBD; Adds free-standing restaurants as an exception to the river setback and height limitations; Provides an exemption for waterfront restaurants to be calculated in the volume bonus; Eliminates the alcohol restrictions applicable in the Church District, except that outside sales of alcohol must be in conjunction with a restaurant; Adds a numerical value for maximum length to building massing and form; Revises requirements for new parking garages and surface parking lots, removing transparency language for ground level parking and adding a minimum percentage of street frontage activation requirement for parking garages; Prohibits new surface parking or expansion of existing surface parking in the Sports and Entertainment and Southbank Districts; Adds that Jacksonville Historic Preservation Commission and DDRB conceptual and final approval are needed prior to issuance of a demolition permit on Historic or Landmarked structures.

The bill also amends Subpart H and Ordinance Code Chapter 30 – Planning and Development Department – in Part 2 – Planning Commission - to remove responsibility for review of rezonings and changes to the Zoning Code within the Downtown area from the Planning Commission and shift that responsibility to the Downtown Design Review Board.

II. EVALUATION

A. The need and justification for the change

The bill amends the Ordinance Code Chapter 656 - Zoning Code Part 3 – Schedule of District Regulations in Subpart H – Downtown Overlay Zone and Downtown District Use and Form Regulations – to provide greater clarity and certainty in the interpretation and application of regulations and standards through better definitions and specificity of wording. It encourages the development of waterfront restaurants by removing restrictions and permitting restaurant seating areas to be constructed over water, as allowed by a recent change in state regulations. Also it removes the use restrictions related to sale of alcoholic beverages that previously applied in the Church District, now renamed the NorthCore District. New surface parking or the expansion of existing surface parking lots is prohibited in the Sports and Entertainment and Southbank Districts. Lastly, it gives the Downtown Design Review Board the authority to review and approve developments Downtown in place of the Planning Commission.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by promoting and sustaining the viability of the downtown overlay districts.

III. RECOMMENDATION

The Planning and Development Department recommends Ordinance 2022-383 be **APPROVED**.

1 Introduced by the Council President at the request of Mayor:
2
3

4 **ORDINANCE 2022-383**

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

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

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

8 **CHAPTER 656. - ZONING CODE**

9 * * *

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

11 * * *

12 **Subpart H. - Downtown Overlay Zone and Downtown District Use and**
13 **Form Regulations.**

14 * * *

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

16 The boundaries of the Downtown Overlay Zone and its Overlay
17 Districts (Overlay Districts or Districts) are shown on the Downtown
18 Overlay Zone Map below.

19 **Downtown Overlay Zone Map - 2019**

20 * * *

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

25 * * *

26 *LaVilla District:* Beginning at the centerline of Broad Street and
27 the centerline of State Street; thence northerly along said
28 centerline line of Broad Street 1,726.25 feet to a point as defined
29 in the legal description prepared by Sunshine State Surveyors,
30 Inc., dated September 24, 1990 on the Blodgett Homes site housing
31 the State Regional Service Center; thence westerly along said line

1 as referenced in the above survey to the centerline of Davis
2 Street; thence southerly along said centerline of Davis Street to
3 the centerline of Kings Road; thence westerly along said
4 centerline of Kings Road to the northerly line of Interstate 95;
5 thence southerly along the westerly right-of way line of
6 Interstate 95 to the centerline of McCoy's Creek; thence southerly
7 along the centerline of McCoy's Creek to the centerline of Park
8 Street; thence northwesterly and westerly along the centerline of
9 Park Street to the centerline of the Florida East Coast Railroad;
10 thence southeasterly and easterly along the centerline of the
11 Florida East Coast Railroad to the centerline of the Acosta Bridge
12 and the centerline of Broad Street; thence northerly along the
13 centerline of Broad Street to the point of beginning.

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

22 * * *

23 **Sec. 656.361.3. Definitions.**

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

27 * * *

28 *Streetscape* means the visual character of a street as determined
29 by various elements such as structures, landscaping, open space,
30 natural vegetation and view.

31 *Structured parking* means parking for vehicles in a structure, and

1 includes ground level parking covered by a building, but does not
2 include a shade structure.

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

21 * * *

22 **Sec. 656.361.5. Use Regulations.**

23 **Sec. 656.361.5.1. Uses Permitted Generally-Applicable to all**
24 **Overlay Districts Zoned CCBD.**

25 The use provisions in the various Overlay Districts are exclusive
26 and a use not included under permitted or permissible uses shall be
27 prohibited in the District. The following uses are permitted
28 throughout Downtown (in all Overlay Districts) for parcels zoned
29 CCBD:

30 * * *

31 D. Restaurants, including without the sale of beer, wine or other

1 ~~alcoholic beverages in all Overlay Districts. In all Overlay~~
2 ~~Districts with the exception of the Church District,~~
3 ~~restaurants, with the retail sale and service of all alcoholic~~
4 ~~beverages, for on-premises consumption, but not drive-in or~~
5 ~~drive-thru facilities. The minimum distance limitations in~~
6 ~~Part 8 (Alcoholic Beverages) of the Zoning Code this Chapter~~
7 ~~656 shall not apply to this use except within the Church~~
8 ~~District.~~

9 E. Banks, loan companies, mortgage brokers, stockbrokers and
10 similar financial institutions.

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

13 G. Schools, colleges, universities, business, trade or vocational
14 schools.

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

17 I. Hotels and motels, bed and breakfasts.

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

19 K. In all Overlay Districts, with the exception of the ~~Church~~
20 NorthCore District, entertainment establishments or
21 facilities, including nightclubs, billiard parlors, dance
22 halls, and private clubs, etc. with or without the retail sale
23 and service of all alcoholic beverages for either on-premises
24 or off-premises consumption, or both, (but not adult
25 entertainment or dancing entertainment establishments) and
26 with no minimum ~~liquor~~ distance limitations outlined in Part
27 8 (Alcoholic Beverages) of this Chapter 656. ~~between a church~~
28 ~~and such establishment except within the Church District.~~

29 L. Automobile parking garages.

30 M. Multiple-family dwellings as standalone uses or as part of a
31 mixed-use building, and dormitories when in conjunction with

1 a college or university.

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

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

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

11 Q. Medical or dental clinics.

12 R. Medical or dental laboratories when incorporated within a
13 medical or dental clinic.

14 S. Marinas.

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

18 U. ~~In All Overlay Districts With the Exception of the Church~~
19 ~~District:~~ An establishment or facility in which beer, wine, or
20 other alcoholic beverages, as those terms are defined in
21 Chapter 561 through Chapter 565, Florida Statutes, are
22 produced for on-site consumption and off-site sales that meet
23 the following criteria: (1) Beer production not to exceed
24 10,000 barrels (310,000 gallons), and off-site sales to a state
25 licensed wholesaler not to exceed 75 percent of production;
26 (2) An on-site retail sales and service area shall comprise at
27 least ten percent of the gross square foot area of the
28 facility; and (3) The on-site retail sales and service area
29 shall be accessible from the main public entrance, identified
30 for access by the public. Part 8 (Alcoholic Beverages) of this
31 Chapter 656 shall not apply to this use.

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

16 * * *

17 AA. Homeless centers and rescue missions that exist as of March 1,
18 2019; provided, however that: by July 1, 2024, all of these
19 existing facilities must have all activities, including
20 waiting or queuing lines, in a completely enclosed structure;
21 and, these existing facilities may not be expanded in scope or
22 footprint unless such structural expansion is directly related
23 to enclosing space for the activities, waiting or queuing
24 lines.

25 BB. Parks.

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

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

2 * * *

3 C. ~~Church~~ NorthCore District.

4 1. Bonus uses.

5 (a) Detached Single-Family Homes.

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

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

12 ~~(2) There is no outside sale or service of food or drink~~
13 ~~either as a sidewalk café or within the property~~
14 ~~boundaries, other than a rooftop restaurant meeting these~~
15 ~~standards which allows no amplified music;~~

16 ~~(3) Service of full course meals is available at all times~~
17 ~~beer, wine or alcohol is being served; and~~

18 ~~(4) Roll up doors or movable walls open to the street~~
19 ~~frontage with service visible are prohibited.~~

20 ~~(c) Restaurants that do not engage in the sale and service of~~
21 ~~beer, wine or alcohol for on-premises consumption, may~~
22 ~~provide outdoor sales and service of food and non-alcoholic~~
23 ~~beverages, either meeting the criteria of Chapter 250, Part~~
24 ~~8 (Downtown Sidewalk Cafés), or within the Private Realm.~~

25 ~~(d)~~ Warehousing storage or distributorship businesses when in
26 conjunction with an on-site point of sale, and where the total
27 operation does not require more than 10,000 square feet or
28 where the warehousing, storage or distribution business is
29 equal to or less than 75 percent of the total building area,
30 whichever is less.

31 * * *

1 Pedestrian Zone. An example of pedestrian engagement
2 close to the Pedestrian Zone might be an open front
3 porch.

4 (3) Access to ground-floor residential units shall be
5 directly from the street to promote active residential
6 street frontage. Stoops, front porches, porticos,
7 and/or forecourts shall be incorporated to buffer
8 residential uses and provide pedestrian interest.

9 * * *

10 C. *Building Massing and Form.*

11 * * *

12 2. *Requirements:*

13 * * *

14 (c) Block modulation.

15 (1) Full block building developments shall be broken up
16 into distinct volumes that are in proportion to one
17 another, while preserving the integrity of the
18 building's design, and create transitions in bulk
19 and scale.

20 (2) Repetitive elements or monolithic treatments that
21 create a half- or full-block massing or appearance
22 shall be avoided. Large scale building facades where
23 the total building length is greater than 250 feet
24 fronting a street, shall include a substantial
25 façade modulation or a building mass separation.

26 (3) Building design shall use a variety of color,
27 material and texture in order to express variety,
28 avoid monotony and distinguish different building
29 volumes.

30 * * *

31 *Height of Buildings and Structures.*

1 1. *Purpose and intent:* It is the intent of this subsection to
2 provide the greatest flexibility in creativity and design of
3 individual projects while still respecting the surrounding
4 character of existing patterns of development.

5 2. *Requirements:* The height of buildings and structures is
6 unlimited within the Overlay Zone with the following
7 exceptions:

8 (a) Brooklyn District - 90-foot height limit from the
9 centerline of Chelsea St. to Interstate 10, as shown on
10 Map 6.2.D, below;

11 (b) LaVilla District - 75-foot height limit;

12 (c) Cathedral District - 65-foot height limit;

13 (d) Waterfront Design and River Views - See subsection
14 656.361.6.2.H.

15 **Map 6.2.D**

16 * * *

17 **G. Transparency.**

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

30 **Figure 6.2.G Transparency**

31 * * *

1 than 26 feet from the bulkhead or MHWL separating the
2 private uses from the Riverwalk easement.

3 (f) Free-standing waterfront restaurants. Waterfront
4 restaurants, including waterfront restaurants that utilize
5 the open-air dining over sovereign submerged lands option
6 provided by Rule 18-21.004, Florida Administrative Code,
7 are exempt from the 50-foot setback requirement so long as
8 all of the following criteria are met:

9 (1) the width of the building, or width of a structure
10 blocking the view to the waterfront is not greater
11 than 75-feet;

12 (2) the restaurant must be open to the general public
13 with no qualifying requirements, such as club
14 membership, stock ownership, or equity interest;

15 (3) the restaurant is prohibited from blocking a View
16 and Access Corridor; and

17 (4) only one (1) exempt restaurant is allowed between
18 any two View and Access Corridors.

19 4. *Height Zones parallel to the Waterfront.* Preservation of
20 river views and pedestrian scale parallel to the waterfront
21 shall be maintained. ~~Adherence~~ Other than for the exemption
22 for a free-standing waterfront restaurant which shall not be
23 required to be calculated in the volume bonus, adherence to
24 the following criteria shall constitute a "safe harbor" that
25 the intent of the Regulation has been achieved without the
26 need for a Deviation:

27 * * *

28 (b) Furthermore, consistent with the goal of encouraging
29 narrower buildings and greater open space adjacent to View
30 and Access Corridors, an additional volume bonus, as
31 depicted in Illustration 6.2.H, below, shall be available

1 for open space in the first 75 feet of the unlimited height
2 zone parallel and adjacent to Zone C as follows:

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

4 (1)The full height unobstructed open space must be
5 immediately adjacent to the View and Access Corridor(s);
6 and

7 * * *

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

16 (d)Free-standing waterfront restaurants. Waterfront
17 restaurants, including waterfront restaurants that utilize
18 the open-air dining over sovereign submerged lands option
19 provided by Rule 18-21.004, Florida Administrative Code,
20 are exempt from the 0' to 50' height requirement within
21 Zone A so long as the height of the building and structure,
22 as measured from the finished floor elevation, is no
23 greater than 20-feet in height, or up to 35-feet in height
24 to accommodate rooftop restaurant, bars, or other
25 activities.

26 5. *Deviations:* Except as specifically authorized in this
27 subsection, no Deviation from 656.361.6.2.H. shall be
28 allowed. The ability to deviate from River View Corridors,
29 from Zone A setback or permitted uses, from Zone B and C
30 height limitations where the volume within the Zone is
31 increased without a volume trade as described above, and/or

1 Riverwalk is specifically vested in the City Council.

2 Deviations may be allowed by the City Council, following
3 consideration and issuance of a recommendation regarding
4 same by DDRB, if the decision is based on competent
5 substantial evidence that the request meets all of the
6 General Deviation Criteria contained in subsection
7 656.361.8.B, and in addition meets all of the criteria
8 listed below.

9 * * *

10 (d) Deviation for greater height of a free-standing
11 waterfront restaurant than provided in Sec.
12 656.361.6.2.H.(4)(d), which shall meet at least the
13 General Deviation Criteria.

14 * * *

15 K. *Off-Street Parking.*

16 * * *

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

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

19 ~~(1) Ground floor must contain:~~ 50% of the total ground floor
20 street frontage, not including entrances into the
21 garage, must be activated utilizing one of the methods
22 detailed below:

23 (i) Non-parking active use ~~(meaning such as retail,~~
24 ~~commercial, residential, or office use that would~~
25 ~~activate the street) shall represent a minimum of 50~~
26 ~~percent of the street frontage, except for entrance~~
27 ~~into garage; or~~

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

31 (iii) A combination of non-parking active use and Urban

1 Open Space. ~~urban open space/art on R/W.~~

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

5 (3) Notwithstanding the foregoing, property along the
6 Emerald Trail or within the FAB-REP boundary must
7 provide 100% non-parking active use or Urban Open Space
8 along all such street frontages less garage entrances.

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

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

22 (46) Parking structures shall be designed such that
23 sloping circulation bays are not expressed in the
24 exterior treatment of the parking structure on any
25 street frontage.

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

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

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

3 (810) Where a parking structure has two or more street
4 frontages, one is primary and the remaining are
5 secondary.

6 (911) Prior to final site plan approval of the parking
7 structure by DDRB, the Traffic Engineer shall provide
8 written comment to DDRB staff as to the acceptability
9 of proposed ingress and egress for the parking structure
10 and potential impacts on traffic.

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

12 (1) Prohibited in the Central Core, Sports and
13 Entertainment, and Southbank Districts;

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

19 * * *

20 M. *Demolition and Vacant Lot Regulations.*

21 * * *

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

25 (1) Demolition of any building or structure downtown ~~must~~
26 ~~comply with the criteria set out in~~ shall be consistent
27 with Chapter 320, Ordinance Code. ~~for demolitions,~~
28 ~~including consideration of the historic nature of the~~
29 ~~structure, and the compliance with the BID Plan.~~
30 ~~Compliance with the BID Plan shall be determined by the~~
31 ~~DDRB. Demolition must be approved by both the DDRB and~~

1 ~~the Building Inspection Division ("BID").~~

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

8 (i) the applicant shall provide a plan for
9 redevelopment of the property;

10 (ii) DDRB must determine that the redevelopment plan is
11 in compliance with the BID and CRA Plan; and

12 (iii) DDRB must give Conceptual and Final Approval of
13 the redevelopment project.

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

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

26 (45) Any landscaping that is removed shall be replaced
27 pursuant to subsection 656.361.6.2.L and as approved by
28 DDRB.

29 (56) The vacant lot shall have sod or grass planted on the
30 entire vacant lot pursuant to Part 4, Chapter 320,
31 Ordinance Code, except those areas planted with trees

1 and shrubs, and as approved by DDRB.

2 (67) If the vacant lot is used for the storage of
3 materials, equipment, etc., but not cars, the vacant lot
4 shall meet the perimeter landscape requirements of
5 subsection 656.361.6.2.L for lots of a size from zero
6 to 50 spaces.

7 (78) All vacant lots brought into conformance with this
8 section shall be maintained pursuant to Part 5, Chapter
9 518, Ordinance Code.

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

15 * * *

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

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

21 * * *

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

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

31 * * *

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

15 * * *

16 **Section 2. Amending Section 30.204 (Functions), Part 2**
17 **(Planning Commission), Chapter 30 (Planning and Development**
18 **Department), Ordinance Code.** Chapter 30 (Planning and Development
19 Department), Part 2 (Planning Commission), Section 30.204
20 (Functions), is hereby amended to read as follows:

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

22 * * *

23 **PART 2. PLANNING COMMISSION**

24 * * *

25 **Sec. 30.204. Functions.**

26 The Commission shall:

- 27 (a) Review proposed land use changes, text changes to the
28 Comprehensive Plan, requests for exceptions, variances, ~~and~~
29 waivers to the Zoning Code, and rezonings (except those
30 pertaining to properties located within the Downtown Overlay
31 Zone, as defined in Section 656.361.2), appeals from written

1 orders granting or denying an administrative deviation and
2 written interpretations of the Zoning Code and final orders of
3 the Cell Tower Review Committee and other matters related to
4 land use and area planning which are referred to the Department
5 or to the Commission pursuant to law. For rezonings within the
6 Downtown Overlay that have a companion Future Land Use Map
7 amendment, both the Commission and the Downtown Development
8 Review Board shall review and make recommendations to the City
9 Council and the DIA, as the case may be.

10 (b) Review and make recommendations to the Council on proposed
11 changes to the Zoning Code (except pertaining to the Downtown
12 Overlay Zone and Downtown District Use and Form Regulations
13 which shall be heard by the Downtown Development Review Board
14 for review and recommendations to the Downtown Investment
15 Authority and then the City Council), the Code of Subdivision
16 Regulations and other land development regulations or
17 amendments thereto, ~~and with respect to all rezonings, except~~
18 ~~rezonings of properties located within the Downtown Overlay~~
19 ~~Zone, as defined in Section 656.361.2).~~

20 * * *

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

24
25 Form Approved:

26
27 /s/ Susan C. Grandin

28 Office of General Counsel

29 Legislation prepared by: Susan C. Grandin

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