

1 Introduced by Council Member Morgan and Co-Sponsored by Council  
2 Members Carlucci, Salem and Becton:

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5 **ORDINANCE 2019-879**

6 AN ORDINANCE AMENDING CHAPTER 656 (ZONING  
7 CODE), *ORDINANCE CODE*; PART 3 (SCHEDULE OF  
8 DISTRICT REGULATIONS), SUBPART S (RENEW  
9 ARLINGTON ZONING OVERLAY), SECTIONS 656.399.57  
10 (APPLICABILITY), 656.399.59 (DEFINITIONS),  
11 SECTION 656.399.61 (ADMINISTRATIVE  
12 DEVIATIONS); CREATING NEW SECTIONS 656.399.63  
13 (RENEW ARLINGTON DESIGN REVIEW ("RADR") TEAM  
14 AND 656.399.64 RA/CRA ZONING OVERLAY  
15 ADMINISTRATIVE DEVIATIONS, TO CREATE A  
16 CONSOLIDATED REVIEW PROCESS WITHIN THE  
17 PLANNING AND DEVELOPMENT DEPARTMENT FOR  
18 PROPERTIES WITHIN THE RA/CRA ZONING OVERLAY  
19 AREA THAT WERE OUT OF CONFORMANCE WITH THE  
20 OVERLAY GUIDELINES FOR FENCES,  
21 LANDSCAPING/LANDSCAPE BUFFERS AND SIGNAGE ON  
22 JULY 1, 2019, AND ARE NOW REQUIRED TO CONFORM  
23 BY A DATE CERTAIN; PROVIDING A DIRECTIVE TO  
24 THE MUNICIPAL CODE CORPORATION TO INSERT A  
25 DATE CERTAIN; PROVIDING AN EFFECTIVE DATE.

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

28 **Section 1. Chapter 656 (Zoning Code), PART 3. (SCHEDULE**  
29 **OF DISTRICT REGULATIONS), SUBPART S. (RENEW ARLINGTON ZONING**  
30 **OVERLAY), *Ordinance Code, Amended.* Chapter 656 (ZONING CODE), PART**  
31 **3. (SCHEDULE OF DISTRICT REGULATIONS), *Ordinance Code,* is hereby**

1 amended to read as follows:

2 **CHAPTER 656. ZONING CODE.**

3 \* \* \*

4 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

5 \* \* \*

6 **SUBPART S. RENEW ARLINGTON ZONING OVERLAY**

7 \* \* \*

8 **Sec. 656.399.56. - Boundaries of zoning overlay area Zoning**  
9 **Overlay Area.**

10 \* \* \*

11 **Sec. 656.399.57. - Applicability.**

12 A. Unless otherwise stated in this Subpart, when the  
13 regulations of this Zoning Overlay impose a different restriction  
14 upon the use of buildings or land, or upon the height of buildings,  
15 or require other conditions than are imposed or required by other  
16 ordinances, other than those ordinances approving Planned Unit  
17 Development (PUD) adopted prior to this Subpart, the provisions of  
18 this Subpart shall control. Additionally, the parking requirements  
19 of this Zoning Overlay shall supersede any conflicting parking  
20 requirements set forth in Part 6 of the Zoning Code. It is intended  
21 that this Subpart shall be applied to support the RA/CRA  
22 designation and characteristics of the Redevelopment/Zoning Overlay  
23 Area and to guide development and redevelopment to support the  
24 goals and objectives contained in the Comprehensive Plan and the  
25 RA/CRA Redevelopment Plan.

26 \* \* \*

27 F. Unless otherwise specified in this Subpart, non-conforming  
28 High Intensity Uses, as described in subsection 656.399.60, that  
29 are located within any Character Area shall bring their existing  
30 non-conforming development characteristics such as, but not  
31 necessarily limited to, site layout; building form and finish

1 materials; building location; parking; lighting; walkways; and  
2 screening for non-residential and multi-family uses into compliance  
3 upon either: ~~reoccupation of the structure when such use ceases for~~  
4 ~~more than six months; or upon a Major Renovation, as that term is~~  
5 ~~defined in this Subpart.~~

6 1. Reoccupation of the structure when such use ceases for  
7 more than six months; or

8 2. A Major Renovation, as that term is defined in this  
9 Subpart.

10 G. Unless otherwise specified in this Subpart, all non-  
11 conforming uses other than High Intensity Uses that are located in  
12 any Character Area, shall bring their existing non-conforming  
13 development characteristics such as, but not necessarily limited  
14 to, parking; lighting; walkways; and screening for non-residential  
15 and multi-family uses, into compliance upon either:

16 1. Reoccupation of the structure when such use ceases for  
17 more than six months; or

18 2. A Major Renovation, as that term is defined in this  
19 Subpart.

20 H. Mandatory Compliance elements and deadline. ~~For purposes~~  
21 ~~of the Term for mandatory compliance with these regulations for~~  
22 ~~signage, screening and landscape buffers in all Character Areas,~~  
23 ~~the Term shall begin on January 1, 2020 and end on December 31,~~  
24 ~~2024.~~ Three elements of site improvements (Fencing,  
25 Landscaping/Landscape Buffers, and Signage) make up the "Mandatory  
26 Compliance elements." These elements are required to conform to  
27 this Zoning Overlay by the later of December 31, 2024, or five  
28 years plus 90 days after a grant program to help mitigate the cost  
29 of compliance is approved by the RA/CRA Board. This Mandatory  
30 Compliance is required regardless of whether the thresholds listed  
31 in subsection F or G above have been met, and is required for all

1 Character Areas.

2 \* \* \*

3 **Sec. 656.399.59. - Definitions. The definitions contained in Part**  
4 **16 of the Zoning Code shall apply unless otherwise defined in this**  
5 **Subpart.**

6 ~~A. The definitions contained in Part 16 of the Zoning Code~~  
7 ~~shall apply unless otherwise defined in this Subpart.~~

8 ~~1. Brewpub means a microbrewery operating in conjunction with~~  
9 ~~a restaurant.~~

10 ~~2. Building Scale means the relationship between the mass of~~  
11 ~~a building and its surroundings, including the width of the~~  
12 ~~street, open space, and mass of surrounding buildings.~~

13 ~~3. Major Renovation means a total cumulative expansion,~~  
14 ~~repair, or renovation of existing development, not including~~  
15 ~~improvements made in order to comply with this Subpart, that~~  
16 ~~is greater than or equal to 50 percent of the assessed value~~  
17 ~~of the lot improvements at the start of any three-year period,~~  
18 ~~according to the Property Appraiser within any three-year~~  
19 ~~period, or the total square footage of a structure is expanded~~  
20 ~~by 50 percent or greater, as well as any cumulative square~~  
21 ~~footage expansions totaling 50 percent.~~

22 ~~Mandatory Compliance deadline means the later of December 31,~~  
23 ~~2024, or five years plus 90 days after a grant program to help~~  
24 ~~mitigate the cost of compliance is approved by the RA/CRA~~  
25 ~~Board.~~

26 ~~Mandatory Compliance elements means the three design standard~~  
27 ~~elements of Fences, Landscaping/Landscape Buffers and Signage,~~  
28 ~~as regulated in all Character areas, that property owners are~~  
29 ~~required to bring into compliance with the Zoning Overlay by~~  
30 ~~the Mandatory Compliance deadline.~~

31 ~~4. Mass means the three-dimensional bulk of a structure~~

1 determined by the height, width, and depth.

2 ~~5.~~ *Microbrewery* means an establishment or facility in which  
3 beer is produced for on-premises consumption (taproom) where  
4 production does not exceed 10,000 barrels per year and where  
5 off-site sales to a state licensed wholesaler do not exceed 75  
6 percent of production. Microbreweries may sell their product  
7 to the public via a wholesaler or retailer or directly to the  
8 consumer through carry-outs or taproom.

9 ~~6.~~ *Pedestrian Scale* means the relationship between a person  
10 and their surroundings, including the width of the street and  
11 the height, mass, and design of surrounding buildings.

12 ~~7.~~ *Public Space* means public squares, greens, plazas and  
13 neighborhood parks, pocket parks, riverwalks, and pedestrian  
14 spaces.

15 RA/CRA Mandatory Compliance Grant means a grant,  
16 administered by the Office of Economic Development ("OED"),  
17 available to property owners with sites that were not in  
18 conformance as of July 1, 2019 with any of the three Mandatory  
19 Compliance elements. The grant is designed to aid those  
20 property owners in complying with the requirements of the  
21 Zoning Overlay. The Grant application form is available on  
22 the OED website.

23 RA/CRA Designer means a landscape architect, architect,  
24 engineer, or other designer whose services OED will provide,  
25 at no cost to the property owner, to assist the property owner  
26 with design services to formulate a schematic site plan ("site  
27 plan") in order redesign the site to obtain conformance with  
28 the Zoning Overlay, to the extent practicable. The property  
29 owner may choose to utilize the RA/CRA Designer or may use  
30 their own appropriate design professional. However, in order  
31 to utilize the consolidated review process of the Renew

1 Arlington Design Review team, the site plan must be reviewed  
2 and approved by the RA/CRA Designer prior to submittal to the  
3 RADR team.

4 Renew Arlington Design Review team ("RADR") means the  
5 Planning and Development Department staff charged with  
6 providing a consolidated review of site plans addressing the  
7 Mandatory Compliance elements for the permitting process  
8 pursuant to Sec. 656.399.63, and for recommendations regarding  
9 Administrative Deviations pursuant to Sec. 656.399.64.

10 \* \* \*

11 **Sec. 656.399.61. - ~~Administrative deviations~~ Reserved.**

12 ~~Administrative Deviations will be allowed for requests for relief~~  
13 ~~from the strict application of this Subpart under the following~~  
14 ~~conditions:~~

15 ~~A. No Administrative Deviation will be allowed for a~~  
16 ~~reduction in Lot Area for High Intensity Uses; and~~

17 ~~B. An Administrative Deviation may be given for parking~~  
18 ~~reductions only if the requirements of the Landscape Code~~  
19 ~~(Part 12 of the Zoning Code) are fully met.~~

20 \* \* \*

21 **Section 2. Creating a new Section 656.399.63 (RENEW**  
22 **ARLINGTON DESIGN REVIEW ("RADR") TEAM and 656.3993.64 (RA/CRA**  
23 **ZONING OVERLAY ADMINISTRATIVE DEVIATIONS), Ordinance Code.** A new  
24 Section 656.399.63 (Renew Arlington Design Review ("RADR") Team,  
25 Chapter 656 (ZONING CODE), Part 3 (Schedule of District  
26 Regulations), Subpart S (Renew Arlington Zoning Overlay) Ordinance  
27 Code and 656.399.64 (RA/CRA Overlay Administrative Deviations),  
28 Chapter 656 (ZONING CODE), Part 3 (Schedule of District  
29 Regulations), Subpart S (Renew Arlington Zoning Overlay) Ordinance  
30 Code, is hereby created to read as follows:

31 **Sec. 656.399.63. - Renew Arlington Design Review ("RADR") Team.**

1 A. *Purpose.* Because the sites within the Renew Arlington Zoning  
2 Overlay boundaries are generally smaller in size and present a  
3 unique challenge to meet the Mandatory Compliance element  
4 requirements of the Zoning Overlay due to the history of road  
5 widening and in some instances a change of use in the area from  
6 single family residential to office, retail and service  
7 establishments, a select group of Planning and Development  
8 Department staff professionals have been chosen to review proposed  
9 site designs for property owners faced with meeting the standards  
10 of the Mandatory Compliance elements, without triggering the need  
11 for a complete civil plan ("10-set") review by the Department.

12 Property owners with sites that were not in conformance as of  
13 July 1, 2019 with any of the three Mandatory Compliance elements  
14 may apply for a RA/CRA Mandatory Compliance Grant and may avail  
15 themselves of the RA/CRA Designer. The property owner may choose  
16 to utilize the RA/CRA Designer or may use their own appropriate  
17 design professional. However, in order to utilize the RADR team  
18 process, the site plan must be reviewed and approved by the RA/CRA  
19 Designer prior to submittal to the RADR team. The RADR team will  
20 provide a consolidated review of the site design in context with  
21 the Zoning Overlay. This will include a review of not only the  
22 Mandatory Compliance elements, but of all elements and requirements  
23 of the Zoning Overlay.

24 B. *Members.* The Director of Planning and Development shall  
25 appoint the persons holding the following positions to the RADR  
26 team:

- 27 a. City Landscape Architect;
- 28 b. Planning Services Manager;
- 29 c. Chief of Current Planning, or their designee;
- 30 d. Senior Traffic Technician; and
- 31 e. Others as appointed by the Director as deemed necessary.

1 C. *Duties and Authority.* While the RADR team may only be used by  
2 property owners that are faced with meeting the standards of the  
3 Mandatory Compliance elements within the Mandatory Compliance  
4 deadline, the RADR team is responsible for reviewing not only those  
5 elements, but all elements of the Zoning Overlay.

6 1. Site Plan approval. The RADR team may approve site plans  
7 for permitting taking into consideration all requirements of the  
8 Zoning Overlay including the removal and/or relocation of  
9 impervious surfaces, a revision to traffic circulation and number  
10 of parking spaces, while still maintaining clear site triangles and  
11 general functionality of the site.

12 2. Administrative Deviation staff report. If one or more  
13 Administrative Deviations are required for ultimate site plan  
14 approval, the RADR team is responsible for providing a staff  
15 recommendation to the Zoning Administrator considering each of the  
16 RA/CRA Zoning Overlay Deviation Criteria as listed in Sec.  
17 656.399.64. If Administrative Deviation(s) are required, those  
18 must be sought prior to a final approval of the site plan.

19 3. Further review. If the redesign of the site is  
20 particularly complex, it may become necessary for the submittal to  
21 proceed through the conventional Development Services Division  
22 process.

23 D. *Applicant Eligibility.* Only owners of properties which contain  
24 the Mandatory Compliance elements of a Fence, Landscaping/  
25 Landscape Buffer, or a Sign existing as of July 1, 2019 that is not  
26 in compliance with the Zoning Overlay, or which property lacks a  
27 compliant Fence or Landscaping/Landscape Buffer on July 1, 2019,  
28 are entitled to utilize of the RADR team. The site plan presented  
29 to the RADR team must have been prepared by or approved by the  
30 RA/CRA Designer prior to submittal to the RADR team.

31 E. *Development Procedure and Process for permit to bring the*



1 *Mandatory Compliance elements of Fencing, Landscaping/Landscape*  
2 *Buffer and Signage into compliance.* All applicants shall provide  
3 the following information to the RADR team:

4 1. A City Development Number ("CDN") is required in order to  
5 submit plans for review. The City Development Number Request Form,  
6 available in the Concurrency and Mobility Management System  
7 Handbook, must indicate in the "Development/Project Name" field  
8 that this project is within the Renew Arlington Zoning Overlay.  
9 The Form should be submitted to the Development Services Division  
10 Concurrency and Mobility Management Systems Office.

11 2. A vicinity plan and digital photographs showing the project in  
12 relation to the surrounding blocks and streets (include all  
13 properties within a minimum of 300 feet of project property  
14 boundary lines);

15 3. A boundary survey of existing property showing all buildings,  
16 protected trees, and impervious areas on the subject site as  
17 well as the buildings, driveways and other impervious surfaces  
18 within 100 linear feet from all property lines, including the  
19 right-of-way line.

20 4. If impervious areas are to be added, relocated, or rebuilt  
21 which would likely effect current drainage patterns, the  
22 applicant must also provide a topographical survey and site  
23 design drawings prepared by an appropriate registered  
24 professional which shall include, as a minimum, storm drainage  
25 systems consistent with the City's Land Development Procedures  
26 Manual, City of Jacksonville ordinances, and the St. Johns  
27 River Water Management District requirements. The RADR team  
28 has the discretion to request additional information relative  
29 to the design.

30 5. The applicant shall provide a schematic site plan ("site  
31 plan") drawn to nominal scale such as 1"=10' or 1"=20' by a

1 landscape architect, architect, engineer or other qualified  
2 person. The site plan must either be prepared by or reviewed  
3 by the RA/CRA Designer prior to submittal to the RADR team.

4 F. RADR review for Site Development permit.

5 1. The RADR team shall review site plans at least monthly, if any  
6 have been submitted.

7 2. The RADR team shall determine if the site plan is in  
8 compliance with not only the Mandatory Compliance elements,  
9 but also the Zoning Overlay requirements in totality as they  
10 apply to that particular site.

11 a. If the site plan is in compliance with the Zoning  
12 Overlay, the property is eligible for a Site Development  
13 permit relative to those elements.

14 b. If the site plan is not in compliance with the Zoning  
15 Overlay and an Administrative Deviation is required, the  
16 RADR team shall prepare and forward a staff report with a  
17 recommendation regarding the Administrative Deviation to  
18 the Zoning Administrator.

19 c. The staff report shall consider each of the RA/CRA Zoning  
20 Overlay Administrative Deviation Criteria.

21 d. The Zoning Administrator shall follow the procedures for  
22 public input pursuant to Part 1 of the Zoning Code  
23 (Chapter 656, Ordinance Code).

24 **Section 656.399.64. - RA/CRA Zoning Overlay Administrative**  
25 **Deviations.**

26 A. *Administrative Deviation requests heard by Zoning*  
27 *Administrator.* Pursuant to Sec. 656.101, *Ordinance Code*, an  
28 Administrative Deviation may be granted by the Zoning  
29 Administrator, after due notice and hearing, for a relaxation  
30 of certain Zoning Code requirements. Notwithstanding items  
31 for which deviations may be allowed in other areas of

1 Jacksonville, within the Renew Arlington Zoning Overlay, the  
2 Zoning Administrator may allow deviations for the following:

- 3 1. Reduce minimum lot area, unless the property is a High Intensity  
4 Use as described in this Zoning Overlay;
- 5 2. Reduce required yards;
- 6 3. Reduce the minimum number of required off-street parking spaces,  
7 so long as the landscaping requirements of this Zoning Overlay  
8 are fully met;
- 9 4. Reduce the minimum landscaping requirements;
- 10 5. Increase the maximum lot coverage;
- 11 6. Adjust required driveway aisle widths, parking stall dimensions,  
12 and allow tandem parking;
- 13 7. Consider on-street parking to meet parking requirements;
- 14 8. Increase the allowable maximum height of structures, including  
15 fences, but not signs;
- 16 9. Increase the maximum number of off-street parking spaces so long  
17 as the landscaping is not also reduced, and either a professional  
18 study indicating that more spaces are warranted is performed and  
19 approved by the Department, or the request is consistent with the  
20 current edition of the ITE parking Generation Manual; and
- 21 10. Decrease lot width so long as at least 80 percent of the  
22 existing context development pattern is similar.

23 B. *Review.* In order to approve a deviation, the Zoning  
24 Administrator must find in the affirmative for each of the RA/CRA  
25 Zoning Overlay Deviation Criteria below and report on the balance  
26 between the interest of the public, the property owner, and the  
27 community.

28 C. *RA/CRA Zoning Overlay Deviation Criteria.*

- 29 1. There are unique site characteristics such as parcel  
30 shape, location, existing utility easements, etc. that  
31 prevent development consistent with the Zoning Overlay

1 Regulations.

2 2. The effect of the proposed Deviation is consistent  
3 with and furthers the objectives, policies, design and  
4 intentions of the Zoning Overlay;

5 3. The proposed Deviation will not diminish property  
6 values in the area surrounding the site and will not  
7 interfere with or injure the rights of adjacent  
8 properties but would accomplish an additional public  
9 benefit;

10 4. The request is not a self-imposed hardship; and

11 5. The proposed Deviation will not be detrimental to the  
12 public health, safety or welfare, result in additional  
13 public expense or the creation of nuisances.

14 D. *Appeals of Administrative Deviation.* Appeals from the  
15 decision of the Zoning Administrator on a property within the  
16 RA/CRA Zoning Overlay Area shall not be to the Planning Commission,  
17 but rather to the City Council.

18 1. *Standing.* The Applicant or any other adversely affected  
19 person may appeal a final written decision of the Zoning  
20 Administrator.

21 2. *Notice.* Notice of Appeal shall be provided to the Legislative  
22 Services Division within 14 days of the effective date of the  
23 written decision. The Notice of Appeal shall be in a form  
24 created by the Planning and Development staff in consultation  
25 with the Office of General Counsel.

26 3. *Standard of Review.* The Council's review of the appeal shall  
27 be limited to a consideration of whether:

28 a. The applicable design criteria contained in the Zoning  
29 Overlay were properly applied by the Zoning  
30 Administrator;

31 b. The decision was supported by competent, substantial

1 evidence; and

2 c. Procedural due process was afforded.

3 4. *Procedural Matters.* The Council shall have the authority to:

4 a. Adjourn, continue, or grant extensions of time for  
5 compliance with these rules, whether or not requested by  
6 a party, provided no requirement of law is violated;

7 b. Keep a record of all persons requesting notice of the  
8 decision in each case;

9 c. Grant withdrawal requests by the appellant;

10 d. Enter into settlement agreements regarding the matter  
11 appealed, so long as there is no financial impact to the  
12 City; and

13 e. Individually view the property which is the subject of  
14 the appeal.

15 5. *Decision.* The Council may affirm or reverse each written  
16 decision, or it may remand the matter back to the Zoning  
17 Administrator with specific instructions for further action.  
18 The Council's decision shall be reduced to writing and shall  
19 become effective upon filing the decision with Legislative  
20 Services.

21 E. *Appeal of City Council decision to the Courts.* The decision  
22 of the City Council constitutes the final agency action of the City  
23 of Jacksonville relative to the request. These decisions may be  
24 challenged by any person with standing as authorized by state law.

25 **Section 2. Directive to the Municipal Code Corporation.**

26 The Municipal Code Corporation ("Municode") is directed to insert a  
27 date certain, which shall be supplied by the Office of General  
28 Counsel, for the term "the later of December 31, 2024, or five  
29 years plus 90 days after a grant program to help mitigate the cost  
30 of compliance is approved by the RA/CRA Board" in the several  
31 locations it appears in this Code revision.

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

4  
5 Form Approved:

6  
7           /s/ Susan C. Grandin          

8 Office of General Counsel

9 Legislation Prepared By: Susan C. Grandin

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