

1 Introduced by the Council President at the request of the DIA:
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3

4 **ORDINANCE 2024-39**

5 AN ORDINANCE CONCERNING THE DOWNTOWN OVERLAY
6 ZONE AND THE DOWNTOWN SIGN OVERLAY ZONE;
7 INCORPORATION OF RECITALS; AMENDING SECTION
8 656.361.7.1 (APPLICATION AND REVIEW PROCEDURE TO
9 DDRB AND COUNCIL; APPEALS), SUBPART H (DOWNTOWN
10 OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM
11 REGULATIONS), PART 3 (SCHEDULE OF DISTRICT
12 REGULATIONS), CHAPTER 656 (ZONING CODE),
13 *ORDINANCE CODE*, TO REVISE THE PROJECT TYPES
14 SUBJECT TO STAFF REVIEW AND TO DDRB REVIEW, AND
15 TO CLARIFY AND REVISE THE REVIEW PROCESS AND
16 PROCEDURES FOR SPECIFIED PROJECTS; AMENDING
17 SECTION 656.361.8 (DEVIATIONS), SUBPART H
18 (DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE
19 AND FORM REGULATIONS), PART 3 (SCHEDULE OF
20 DISTRICT REGULATIONS), CHAPTER 656 (ZONING
21 CODE), *ORDINANCE CODE*, TO ELIMINATE THE WORKSHOP
22 REQUIREMENT FOR SELECT DEVIATIONS; AMENDING
23 SECTION 656.1335 (DESIGN REVIEW), SUBPART B
24 (DOWNTOWN SIGN OVERLAY ZONE), PART 13 (SIGN
25 REGULATIONS), CHAPTER 656 (ZONING CODE),
26 *ORDINANCE CODE*, TO ALLOW STAFF REVIEW OF CERTAIN
27 SIGN APPLICATIONS; PROVIDING FOR AN EFFECTIVE
28 DATE.
29

30 **WHEREAS**, as part of Mayor Deegan's Economic Development
31 Transition Committee, opportunities for permitting and development

1 review efficiencies were prioritized; and

2 **WHEREAS**, in reporting to the Economic Development Transition
3 Committee, the Downtown Investment Authority ("DIA") and the Downtown
4 Development Review Board ("DDRB") staff identified several
5 opportunities for development review efficiencies as they relate to
6 Downtown Development; and

7 **WHEREAS**, the DDRB has reviewed and is in support of the
8 identified recommendations for Ordinance Code amendments; and

9 **WHEREAS**, the DIA requests that City Council amend the Ordinance
10 Code as provided herein; and

11 **WHEREAS**, the purpose and intent of this Ordinance is to update
12 the Downtown Overlay to implement permitting and development review
13 efficiencies, consistent with Objective 2.3 of the *2045 Comprehensive*
14 *Plan* Future Land Use Element to revise the list of project types that
15 are subject only to administrative review, revise the development
16 review process for specified projects and eliminate the workshop
17 requirement for select deviations; and

18 **WHEREAS**, on October 18, 2023, the DIA Board approved Resolution
19 2023-10-07, approving this amendment to Chapter 656 of the *Ordinance*
20 *Code*, to clarify and streamline various review processes of the DDRB,
21 a copy of which is attached hereto as **Exhibit 1**; now therefore

22 **BE IT ORDAINED**, by the Council of the City of Jacksonville:

23 **Section 1. Incorporation of Recitals.** The above recitals
24 are incorporated herein and made a part hereof by this reference.

25 **Section 2. Amending Section 656.361.7.1 (Application and**
26 **Review Procedure to DDRB and Council; Appeals), Subpart H (Downtown**
27 **Overlay Zone and Downtown District Use and Form Regulations), Part 3**
28 **(Schedule of District Regulations), Chapter 656 (Zoning Code),**
29 **Ordinance Code.** Section 656.361.7.1 (Application and Review
30 Procedure to DDRB and Council; Appeals), Subpart H (Downtown Overlay
31 Zone and Downtown District Use and Form Regulations), Part 3 (Schedule

1 of District Regulations), Chapter 656 (Zoning Code), *Ordinance Code*,
2 is hereby amended to read as follows:

3 **CHAPTER 656 - ZONING CODE**

4 * * *

5 **PART 3. - SCHEDULE OF DISTRICT REGULATIONS**

6 * * *

7 **SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE**
8 **AND FORM REGULATIONS**

9 * * *

10 **Sec. 656.361.7.1. - Application and Review Procedure to DDRB and**
11 **Council; Appeals.**

12 * * *

13 D. *Classification of Projects.* Upon receipt of the
14 application and required information, DDRB staff will
15 classify the proposed developments as follows:

16 1. *Staff Review Only.*

17 (a) Landscaping sufficiency regarding number, species,
18 size, and placement of trees; soil to tree ratio; and
19 alternatives for irrigation;

20 (b) Streetscape elements that comply with the Pedestrian
21 Zone requirements applicable to unconstrained rights-
22 of-way;

23 (c) Minor structural changes to exterior facades or
24 structures;

25 (d) Signs that comply with Subpart B of Chapter 656,
26 Part 13 - Downtown Sign Overlay Zone;

27 (e) Projects that consist only of landscaping,
28 hardscaping, street furnishings, and/or vehicle use area
29 components, and do not require any Deviation;

30 ~~(d)~~ (f) Other classifications delegated to DDRB staff by
31 DDRB; and

1 ~~(e)~~(g) Minor changes to applications previously
2 approved by the DDRB.

3 2. *DDRB Review.*

4 (a) New construction;

5 (b) Major structural changes to exterior facade of
6 existing structures;

7 (c) Signs, that require a special sign exception
8 pursuant to Section 656.1333(j)~~656.1335~~ and
9 comprehensive sign plans required by Section
10 656.1333(b)(2)~~656.1337~~, which shall require only Final
11 Approval by DDRB;

12 (d) Streetscape elements in constrained rights-of-ways
13 where the generally required minimum Amenity Area,
14 Pedestrian Clear Area, or Frontage Area is reduced in
15 width, shared with the Vehicular Zone or encroaches on
16 private property;

17 (e) Staff review classifications deemed appropriate by
18 DDRB staff for review by the DDRB;~~and~~

19 (f) Significant changes to applications previously
20 approved by the DDRB, which shall require only Final
21 Approval by DDRB; and~~and~~

22 (g) Capital projects including, but not limited to,
23 streetscape projects, road narrowing or lane elimination
24 projects, and park projects, which shall require only a
25 design review by DDRB, not approval, provided that any
26 buildings proposed meet the requirements of Section
27 656.361.6.2 without the need for Deviation.

28 E. *Staff Review.*

29 Projects classified as "Staff Review Only" will be reviewed
30 by DDRB staff and approved, approved with conditions, or
31 denied within ten working days of submittal of a complete

1 application. Staff will notify the applicant of an
2 incomplete application within five days of receipt of the
3 application.

4 F. *Procedures to be followed by the DDRB.*

5 1. Projects classified as "DDRB Review Required" will be
6 considered by the DDRB at a scheduled meeting within 30
7 working days of submittal of a completed application at a
8 scheduled monthly DDRB meeting. The applicant may present
9 the project at the meeting.

10 2. The DDRB will review projects using a two-step process,
11 except as otherwise provided in this section. The first
12 step is a Conceptual Approval, whereby the applicant's
13 project will be reviewed and conceptually approved,
14 conceptually approved with conditions or denied based upon
15 the District Regulations, the Downtown Design Guidelines,
16 and the Riverwalk Park Design Criteria, if applicable. The
17 second step is a Final Approval, whereby the applicant
18 brings the project back to DDRB within one year~~six months~~
19 to be reviewed and approved, approved with conditions, or
20 denied based upon the Regulations and applicable
21 Guidelines. Prior to consideration by the DDRB for Final
22 Approval, it is the intent of this Section that the
23 application and project will have received such reviews
24 and approvals as DDRB staff deems necessary so that the
25 DDRB is presented at Final Approval with as complete a
26 project as possible, considering all design,
27 architectural, engineering, traffic, utilities, fire and
28 life safety, environmental, historic, landscape and
29 streetscape and any other site and project development
30 issues which may be associated with completion of the
31 proposed project.

1 3. For multi-phase projects consisting of construction or
2 renovation of two or more separate buildings or structures,
3 DDRB review shall be conducted as follows:

4 (a) The two-step process outlined in subparagraph (2),
5 above, shall first be applied to conceptual and final
6 approval of the overall development site and consider
7 compliance of the overall site plan with the
8 requirements contained in this Subpart H relating to
9 view corridors, setbacks, heights, street closures,
10 river views and encroachment. Furthermore, the DDRB
11 shall also consider streetscape plans and landscaping
12 plans, if such are available; and

13 (b) Following final approval of the overall site plan,
14 the applicant shall then present the development or
15 redevelopment plans for each building or structure
16 contained in the multi-phase project for individual
17 consideration by the DDRB ~~using~~following the two-step
18 process contained in subparagraph (2), above. The DDRB
19 shall also consider all aspects of the project requiring
20 DDRB review and approval pursuant to this Subpart and
21 not considered in the initial site plan approval process
22 described in subpart (a), above.

23 The intent of this Section is to authorize the DDRB to
24 consider those projects wherein an applicant proposes an
25 overall site development consisting of multiple building
26 development or redevelopment by first considering the
27 overall site layout and cumulative impact of the entire
28 project on surrounding properties and later considering
29 design-type matters associated with the project's
30 individual buildings.

31 * * *

1 7. Any locally or federally designated landmark, building,
2 structure, site, or structure or site within a locally or
3 federally designated historic district within the Downtown
4 Overlay Zone subject to review under Chapter 307 shall be
5 governed by the provisions of Chapter 307, and the
6 provisions of this Section shall apply to the extent they
7 do not conflict with Chapter 307. These structures are
8 exempt from DDRB Conceptual Review but are required to
9 receive Final Approval by the DDRB after issuance of any
10 required Certificates of Appropriateness. ~~After conceptual~~
11 ~~approval by DDRB, but prior to final approval consideration~~
12 ~~by the DDRB, an applicant shall obtain necessary~~
13 ~~Certificates of Appropriateness for the project.~~

14 * * *

15 **Section 3. Amending Section 656.361.8 (Deviations),**
16 **Subpart H (Downtown Overlay Zone and Downtown District Use and Form**
17 **Regulations), Part 3 (Schedule of District Regulations), Chapter 656**
18 **(Zoning Code), Ordinance Code.** Section 656.361.8 (Deviations),
19 Subpart H (Downtown Overlay Zone and Downtown District Use and Form
20 Regulations), Part 3 (Schedule of District Regulations), Chapter 656
21 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

22 **CHAPTER 656 - ZONING CODE**

23 **PART 3. - SCHEDULE OF DISTRICT REGULATIONS**

24 **SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND**
25 **FORM REGULATIONS**

26 * * *

27 **Sec. 656.361.8. - Deviations.**

28 A. *General Considerations.*

29 1. The Form Regulations identify which body has authority
30 to approve a Deviation from each section thereof. The DDRB
31 has the authority to grant Deviations for all Form

1 Regulations in subsection 656.361.6.2 except as specified
2 in subsection 656.361.6.2.H (Waterfront Design and River
3 Views: setbacks, height and access corridors) and
4 subsection 656.361.6.2.I (Creek Views and Creekfront
5 Design), which require a final decision by the City Council
6 for specified Deviations. Except as otherwise provided in
7 this Section, Any request for a Deviation, whether the
8 final Deviation decision rests with the City Council or
9 the DDRB, shall be heard by the DDRB initially in a Workshop
10 format. Participation by an applicant in a Workshop
11 requires that the designer(s) of the project present the
12 need for the Deviation along with potential alternative
13 design solutions.

14 2. The following requests for Deviation are exempt from
15 the Workshop requirement, unless the project fronts the
16 St. Johns River, Hogans Creek, or McCoy's Creek:

- 17 (a) Existing buildings, when the requested Deviation
18 would not expand or intensify the non-conformity;
19 (b) Building entrance criteria for new construction; and
20 (c) Rooftop criteria for new construction.

21 ~~2.3.~~ The Zoning Administrator shall not have the authority
22 to grant Administrative Deviations in the Overlay Zone.

23 ~~3.4.~~ Certain Form Regulations must be met in their entirety
24 in order for an economic incentive of any kind to be granted
25 to a development. Although Deviations may be granted for
26 design so that the project may be constructed, this does
27 not amount to "meeting" the Regulation in order to
28 establish eligibility for the economic incentive. Approval
29 of an economic incentive by the DIA for a project shall
30 not be taken into consideration by the DDRB in their
31 deliberations regarding the project's consistency with the

1 Use or Form Regulations.

2 ~~4.5.~~ Approval by the DIA of an economic incentive assumes
3 that the project will meet the Regulations as written,
4 without a Deviation. See subsections 656.361.6.2.H
5 and 656.361.6.2.I.

6 ~~5.6.~~ Deviations shall be approved by a 2/3 vote of the
7 membership of the initial jurisdictional body, as well as
8 any appellate procedure. Waiving this requirement shall be
9 stated in the title of the resolution or ordinance
10 pertaining to the Deviation, and shall adhere to the
11 Council Rules regarding the waiver of an ordinance.

12 ~~6.7.~~ All Deviations must be based upon the General
13 Deviation Criteria, in addition to any specific criteria
14 contained in the Section pertinent to that Regulation. All
15 of the General Deviation Criteria must be met, and an
16 explanation of each must be provided by the
17 developer/applicant. A separate positive determination
18 must be made for each criterion by the reviewing body,
19 based upon competent, substantial evidence, in order to
20 grant the Deviation.

21 * * *

22 **Section 4. Amending Section 656.1335 (Design Review),**
23 **Subpart B (Downtown Sign Overlay Zone), Part 13 (Sign Regulations),**
24 **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.1335 (Design
25 Review), Subpart B (Downtown Sign Overlay Zone), Part 13 (Sign
26 Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby
27 amended to read as follows:

28 **CHAPTER 656 - ZONING CODE**

29 * * *

30 **PART 13. - SIGN REGULATIONS**

31 * * *

1 **SUBPART B. - DOWNTOWN SIGN OVERLAY ZONE**

2 *** * ***

3 **Sec. 656.1335. - Design review.**

4 Applications for sign permits for any parcel submitted within
5 the Downtown Sign Overlay Area shall be submitted to the DDRB staff,
6 who will determine if the application can be reviewed and approved
7 by staff pursuant to Sec. 656.361.7.1(D) or if it will be forwarded
8 ~~to be reviewed by~~ the DDRB for a recommendation of approval or denial
9 based on the following criteria:

10 *** * ***

11 **Section 5. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 /s/ Carla A. Lopera

18 Office of General Counsel

19 Legislation Prepared By: Carla A. Lopera

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