

**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2021-175

**Introducer/Sponsor(s):** Council Members Bowman, Boylan, Diamond, Ferraro, Freeman, Gaffney, and White

**Date of Introduction:** March 23, 2021

**Committee(s) of Reference:** LUZ

**Date of Analysis:** March 26, 2021

**Type of Action:** Charter amendment

**Bill Summary:** The bill Chapter 656 (Zoning Code), *Ordinance Code*; creates a new Section 656.720 (Nonconforming Use Administrative Deviation), Part 7 (Nonconforming Lots, Uses and Structures), Chapter 656 (Zoning Code), *Ordinance Code*.

**Background Information:** This bill creates a new section to provide for administrative deviations for certain nonconforming uses. Certain nonconforming uses are beneficial to the public but not readily available or serve a cultural, historical, or artistic purpose in a neighborhood. The bill creates an Administrative Deviation Process that would review and permit nonconforming uses to continue to serve a public purpose and protect surrounding properties by limiting such nonconforming uses. The approval of an administrative deviation must meet requirements and have a positive finding from the Zoning Administrator, who is authorized to impose conditions or restrictions.

The application requirements for administrative deviations:

1. The property shall be less than one acre.
2. Development on the property shall not exceed the impervious surface limits in this Chapter for the Zoning District with similar uses. (Applicant may submit proposed modifications)
3. The property shall have been used for the nonconforming use at some point prior to April 25, 1991.
4. The nonconforming use requested shall be the same nonconforming use that existed at some point prior to April 25, 1991.
5. The nonconforming use shall not be an industrial use or any use for the sale or service of alcoholic beverages, including liquor, beer, or wine.
6. The nonconforming use shall be an authorized use in the property's current future land use category pursuant to the comprehensive plan.

**Policy Impact Area:** Administrative deviations, nonconforming uses

**Fiscal Impact:** None

**Analyst:** Mitchell