

Introduced by Council Member Diamond:

ORDINANCE 2026-364-W

AN ORDINANCE AMENDING SECTIONS
656.101 (DEFINITIONS) and 656.109 (ADMINISTRATION
AND ENFORCEMENT; INTERPRETATION OF ZONING CODE;
ADMINISTRATIVE DEVIATIONS) PART 1, CHAPTER 656
(ZONING CODE), *ORDINANCE CODE*; AMENDING SECTION
656.720 (NONCONFORMING USE ADMINISTRATIVE
DEVIATION), PART 7 (NONCONFORMING LOTS, USES AND
STRUCTURES), CHAPTER 656 (ZONING CODE),
ORDINANCE CODE; PROVIDING FOR CODIFICATION
INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amending Section 656.101 (Definitions), Part 1, Chapter 656 (Zoning Code), Ordinance Code. Section 656.101 (Definitions), Part 1 (Schedule of District Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

*** * ***

PART 1. - Definitions

*** * ***

For purposes of Part 1, certain terms and words are defined as follows:

(a) *Administrative deviation* means a relaxation of the following Zoning Code requirements: minimum lot area, required yards, increase the maximum number of parking spaces allowed so long as the landscaping is not also reduced and a professional study is performed and approved by the Department, minimum

1 number of required off-street parking spaces, minimum
2 landscaping requirements, maximum lot coverage and maximum
3 height of structures, including fences, that the ~~Zoning~~
4 ~~Administrator~~ Department is authorized to grant pursuant to the
5 procedures set forth in Section 656.109(e) through (j).
6 Requests to modify lot requirements so as to increase the
7 permitted density of multiple-family dwellings are specifically
8 prohibited. However, for a maximum of two dwellings or two
9 contiguous lots, an application may be made to decrease the lot
10 width, pursuant to criteria in Sec. 656.109.

11 * * *

12 (m) *Zoning Administrator* means the Zoning Administrator,
13 Planning and Development Department. The Zoning Administrator
14 has the authority to ~~grant administrative deviations and~~ issue
15 written zoning verifications, to accept applications for
16 rezonings, variances, exceptions, waivers and administrative
17 deviations, and such other duties as are set forth in the Zoning
18 Code or may be delegated by the Director from time to time.

19 * * *

20 **Sec. 656.109. - Administration and enforcement; interpretation of**
21 **Zoning Code; administrative deviations.**

22 * * *

23 (c) Applications for rezonings and administrative deviations
24 shall be made to the Department as provided herein. Applications
25 for zoning exceptions, variances and waivers shall be made as
26 provided in subpart D. Requests for administrative deviations
27 for properties located within the Downtown Overlay Zone, as
28 defined in Section 656.361.2 shall be processed as a deviation
29 from standards pursuant to Section 656.361.22.

30 ~~(d) The Zoning Administrator, or if absent, as designated by~~
31 ~~the~~ The Department, is authorized to administratively grant

administrative deviations in areas outside of the Downtown Overlay Zone as defined in Section 55.105, to do the following:

- (1) Reduce minimum lot area and required yards,
- (2) Reduce the minimum number of required off-street parking spaces,
- (3) Reduce the minimum landscaping requirements,
- (4) Increase the maximum lot coverage,
- (5) Adjust areas of situational compatibility buffer requirements, set forth in Section 656.399.19,
- (6) Adjust required driveway aisle widths,
- (7) Increase the allowable maximum height of structures, including fences,
- (8) Increase the maximum number of off-street parking spaces so long as the landscaping is not also reduced and a professional study indicating that more spaces are warranted is performed and approved by the Department, and
- (9) Decrease lot width so long as at least 80 percent of the existing context development pattern is similar.

(e) Applications for an administrative deviation shall be in writing on the forms prescribed by the Department, and filed with the Department together with the required number of copies and all required attachments. Upon receipt of the application, the ~~Zoning Administrator~~ the Department shall determine whether the application is complete within five working days. If it is determined that the application is not complete, written notice shall be provided to the applicant specifying the deficiencies. The ~~Zoning Administrator~~ Department shall take no further action on the application until the deficiencies are remedied. When the application is determined to be complete, all fees must be paid. Once an application is deemed complete, a summary of the administrative deviation requested shall be mailed to all

1 property owners within three (300) hundred feet of the property
2 subject to the application. The notice shall provide directions
3 on where a copy of the full application can be obtained and
4 where comments and objections can be sent.

5 (f) The Department shall render a written decision on the
6 application within thirty (30) days of receipt of a complete
7 application based upon the criteria set forth herein. Failure
8 to render a decision within this timeframe shall mean that the
9 application is granted. The Zoning Administrator shall schedule
10 the application for a hearing within 30 days after the completed
11 application has been filed. Upon establishment of a hearing
12 date, notice of hearing shall be given pursuant to the written
13 notice and posting of sign requirements of Section 656.137(a)
14 and (c). No published advertisement shall be required.

15 ~~(g) To the maximum extent practicable, the hearings shall be~~
16 ~~informal. All hearings shall be recorded on tape by the~~
17 ~~Department. All hearings shall be conducted by the Zoning~~
18 ~~Administrator. Written reports containing findings and a~~
19 ~~recommendation shall be prepared by the Department staff and~~
20 ~~transmitted to the Zoning Administrator at least five days in~~
21 ~~advance of the hearing.~~

22 ~~(h)~~ (g) In order to authorize an administrative deviation, the
23 ~~Zoning Administrator~~ Department shall first determine whether
24 the need for the proposed deviation arises out of the physical
25 surroundings, shape, topographic condition or other physical or
26 environmental conditions that are limited to the specific
27 property involved. If so, the ~~Zoning Administrator~~ Department
28 shall make the required findings based on the granting of the
29 administrative deviation for that property alone. If, however,
30 the condition is common to numerous sites, so that requests for
31 similar deviations are likely to be received, the ~~Zoning~~

1 ~~Administrator~~ Department shall make the required findings based
2 on the cumulative effect of granting the deviation to all who
3 may apply. The ~~Zoning Administrator~~ Department shall not grant
4 an administrative deviation unless he or she makes a positive
5 finding, based on substantial competent evidence presented in
6 the application, on ~~each~~ any one of the following criteria:

7 (1) There are practical or economic difficulties in
8 carrying out the strict letter of the regulation;

9 (2) The request is not based exclusively upon a desire to
10 reduce the cost of developing the site, but would
11 accomplish some result that is in the public interest, such
12 as, for example, furthering the preservation of natural
13 resources by saving a tree or trees.

14 (3) The proposed deviation will not substantially
15 diminish property values in, nor alter the essential
16 character of, the area surrounding the site and will not
17 substantially interfere with or injure the rights of others
18 whose property would be affected by the deviation;

19 (4) The proposed deviation will not be detrimental to the
20 public health, safety or welfare, result in additional
21 public expense, the creation of nuisances, or conflict with
22 any other applicable law;

23 (5) The proposed deviation has been recommended by a City
24 landscape architect, if the deviation is to reduce required
25 landscaping; and

26 (6) The effect of the proposed deviation is in harmony
27 with the spirit and intent of the Zoning Code.

28 If the deviation is proposed to correct an existing
29 violation, the ~~Zoning Administrator~~ Department shall also
30 consider the following factors:

31 (i) Whether the violation was created by the

1 applicant with intent to violate the provisions
2 of this Zoning Code;

3 (ii) The length of time the violation has existed
4 without receiving a citation; and

5 (iii) Whether the violation occurred as a result of
6 construction which occurred prior to the
7 acquisition of the property by the applicant.

8 If the proposed deviation is for a parcel located in the
9 Riverside/Avondale Zoning Overlay district, the ~~Zoning~~
10 ~~Administrator~~ Department must also make a positive finding that
11 the request has 1) received a certificate of appropriateness,
12 if required by Chapter 307 (Historic Preservation and
13 Protection), 2) is necessary due to a requirement of Chapter 307
14 (Historic Preservation and Protection), if applicable, 3)
15 required by federal or State law, if applicable, or 4) necessary
16 to preserve and protect an exceptional specimen tree, protected
17 tree or wetlands, if applicable. However, ~~the Zoning~~
18 ~~Administrator~~ Department may authorize an Administrative
19 Deviation prior to issuance of a Certificate of Appropriateness,
20 even if a Certificate of Appropriateness is required, if, for
21 good cause described in writing and filed in the Administrative
22 Deviation application file and the Certificate of
23 Appropriateness application file, it is determined by the
24 Director that the Administrative Deviation application may be
25 heard prior to the issuance of a Certificate of Appropriateness.

26
27 ~~(i)(h) After the hearing, the Zoning Administrator shall~~
28 ~~prepare a written order approving or denying the application for~~
29 ~~an administrative deviation, which order shall include: a~~
30 ~~summary of the evidence presented, findings of fact, conclusions~~
31 ~~of law, a finding of compliance or a finding on all points of~~

1 ~~noncompliance with the Comprehensive Plan and the reasons for~~
2 ~~the decision, including conditions, if any.~~ The written order
3 approving or denying the application shall be executed by ~~the~~
4 ~~Zoning Administrator and the Director~~ within ~~21 days of the~~
5 ~~hearing~~ thirty (30) days of receipt of a completed application.
6 A copy shall be transmitted to all persons who live within three
7 hundred feet of the property subject to the application ~~appeared~~
8 ~~before the Zoning Administrator~~ or filed a written response to
9 the application. The written order granting or denying the
10 administrative deviation, executed by both the Zoning
11 Administrator and the Director, shall be effective 15 days after
12 the execution thereof, unless appealed pursuant to the
13 provisions of Section 656.109(j) below.

14 ~~(j)~~(i) Any adversely affected person may appeal a written
15 order granting or denying an administrative deviation to the
16 Commission by filing a Notice of Appeal together with the
17 required fee as specified in Section 656.147, with the
18 Department within 14 days of the execution of the written order.
19 The Director shall set the matter for hearing within 21 days of
20 the Notice of Appeal and shall notify the appellant and all
21 persons who received notice ~~appeared before the Zoning~~
22 ~~Administrator~~ or filed a written response to the application.

23 ~~(k)~~(j) The Commission's review of the appeal shall be de
24 novo ~~limited to a consideration of whether the administrative~~
25 ~~deviation criteria were properly considered and applied by the~~
26 ~~Zoning Administrator to the facts presented.~~

27 ~~(l)~~(k) If the Commission determines the criteria were
28 properly applied by the Department ~~Zoning Administrator~~, the
29 Department shall issue a letter within five days from the date
30 of the Commission's determination confirming the decision. A
31 copy of the letter shall be transmitted to all persons who were

1 notified of the appeal, and shall be deemed to be the final
2 decision of the City concerning the administrative deviation
3 unless said decision is appealed to the City Council per the
4 provisions in Section 656.140-656.149.

5 ~~(m)(1)~~ If the Commission determines the criteria were not
6 properly applied, the Commission may grant the appeal which
7 shall constitute approval of the administrative deviation ~~shall~~
8 ~~remand the matter back to the Zoning Administrator for further~~
9 ~~review. The Commission may suggest additional findings or give~~
10 ~~directions to the Zoning Administrator in order to assist the~~
11 ~~Zoning Administrator in effectively reconsidering the matter.~~
12 ~~Within ten days of the Commission's remand, the Zoning~~
13 ~~Administrator shall issue a written decision.~~ A copy of the
14 written decision of the Commission ~~subsequent to the remand~~
15 shall be transmitted to all persons who were notified of the
16 appeal. The ~~written~~ Commission's decision ~~subsequent to the~~
17 ~~remand~~ shall be deemed to be the final decision of the City
18 unless said decision is appealed to the City Council per the
19 provisions in Section 656.140-656.149.

20 * * *

21 **Section 2. Amending Section 656.720 (Nonconforming Use**
22 **Administrative Deviation), Part 7 (Nonconforming Lots, Uses and**
23 **Structures), Chapter 656 (Zoning Code), Ordinance Code.** Section
24 656.720 (Nonconforming Use Administrative Deviation), Part 7
25 (Nonconforming Lots, Uses and Structures), Chapter 656 (Zoning Code),
26 *Ordinance Code*, is hereby amended to read as follows:

27 **CHAPTER 656 - ZONING CODE**

28 * * *

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

30 * * *

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

1 (a) The Department ~~Zoning Administrator, or if absent, as~~
2 ~~designated by the Director,~~ is authorized to grant nonconforming
3 use administrative deviations in areas outside of the Downtown
4 Overlay Zone as defined in Section 55.105, pursuant to this
5 Section, notwithstanding any other provision of this Chapter.
6 The procedures for administrative deviations in Part 1 of this
7 Chapter shall apply to nonconforming use administrative
8 deviations pursuant to this Section, except as modified by this
9 Section.

10 (b) The property and use shall meet the following application
11 requirements:

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

13 (2) Development on the property shall not exceed the
14 impervious surface limits in this Chapter for the Zoning
15 District with similar uses. An applicant may propose
16 modifications to the property in the application to meet
17 this requirement.

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

20 (4) The nonconforming use requested shall be the same
21 nonconforming use that existed at some point prior to April
22 25, 1991.

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

26 (6) The nonconforming use shall be an authorized use in
27 the property's current future land use category pursuant
28 to the comprehensive plan.

29 (c) In order to authorize a nonconforming use administrative
30 deviation, the ~~Zoning Administrator~~ Department shall first
31 determine whether the application meets the application

1 requirements in subsection (b). The ~~Zoning Administrator~~
2 Department shall not grant a nonconforming use administrative
3 deviation unless the ~~Zoning Administrator~~ Department makes a
4 positive finding, based on the substantial competent evidence,
5 on each of the following criteria. The ~~Zoning Administrator~~
6 Department may impose conditions or restrictions to mitigate
7 impacts of the nonconforming use.

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

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

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

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

26 * * *

27 **Section 3. Codification Instructions.** The Codifier and the
28 Office of General Counsel are authorized to make all chapter and
29 division "tables of contents" consistent with the changes set forth
30 herein. Such editorial changes and any other necessary to make the
31 *Ordinance Code* consistent with the intent of this legislation are

1 approved and directed herein, and changes to the *Ordinance Code* shall
2 be made forthwith and when inconsistencies are discovered.

3 **Section 4. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6
7 Form Approved:

8
9 /s/ Terrence Harvey

10 Office of General Counsel

11 Legislation Prepared By: Terrence L. Harvey

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