

1 Introduced by Council Member Carlucci and Co-Sponsored by Council
2 Member Peluso and substituted by the Neighborhoods, Community
3 Services, Public Health and Safety Committee:
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6 **ORDINANCE 2024-373**

7 AN ORDINANCE CREATING A NEW SECTION 656.130.1
8 (AMENDMENTS TO THE ZONING CODE FOR ZONING
9 OVERLAYS), SUBPART C (PROCEDURES FOR REZONING
10 AND AMENDMENTS TO THE ZONING CODE), PART 1
11 (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE),
12 *ORDINANCE CODE*, TO ESTABLISH A PROCESS FOR
13 CREATION OF NEW ZONING OVERLAYS; AMENDING
14 SECTION 656.341 (PROCEDURES), SUBPART F (PLANNED
15 UNIT DEVELOPMENT), PART 3 (SCHEDULE OF DISTRICT
16 REGULATIONS), CHAPTER 656 (ZONING CODE),
17 *ORDINANCE CODE*, TO ADD A NEW SUBPARAGRAPH (F) TO
18 PROHIBIT PLANNED UNIT DEVELOPMENT ZONING
19 APPLICATIONS WHICH ALLOW DEVIATIONS FROM ZONING
20 OVERLAYS UNLESS APPROVED BY A 2/3 VOTE OF THE
21 FULL COUNCIL; PROVIDING CODIFICATION
22 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
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24 **WHEREAS**, the purpose and intent of a zoning overlay is to
25 create a special zoning district, placed over the existing zoning
26 scheme, to apply area-specific standards or conditions due to the
27 unique development patterns, unique needs or to protect features or
28 aspects of the geographic area over which the overlay applies; and

29 **WHEREAS**, zoning overlays are adopted by the Council based on
30 studies and evaluations of the proposed overlay area and involve
31 community input into the future development needs of their area; and

1 **WHEREAS**, those studies and evaluations are adopted into a
2 zoning overlay to provide custom regulations laid over the underlying
3 zoning laws, fine tuning regulations to preserve the unique character,
4 economic viability, historic fabric and environmentally sensitive
5 resources of some of Jacksonville's most significant areas; and

6 **WHEREAS**, the Council has adopted eleven (11) zoning overlays
7 to protect and preserve Downtown, Springfield, Mayport Road and
8 Mayport Village Working Waterfront District, San Marco, Mandarin
9 Road, Riverside/Avondale, Industrial Sanctuary Areas, Black Hammock
10 Island, KingSoutel Crossing Area, Renew Arlington Area and the Cedar
11 Point and Sawpit Road Area; and

12 **WHEREAS**, developers may use Planned Unit Development (PUD)
13 rezoning applications as a way to circumvent an adopted zoning overlay
14 in these areas in order to authorize uses, development schemes or
15 regulatory waivers and relaxations, which erodes and degrades the
16 integrity of the carefully crafted zoning overlay plan which the
17 Council desires to address by requiring a 2/3 vote of the full Council
18 to allow deviations from zoning overlays; and

19 **WHEREAS**, the Council also desires to establish a process for
20 the establishment of new zoning overlays; now therefore

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

22 **Section 1. Creating Section 656.130.1 (Amendments to the**
23 **Zoning Code for Zoning Overlays), Subpart C (Procedures for Rezoning**
24 **and Amendments to the Zoning Code), Part 1 (General Provisions),**
25 **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.130.1
26 (Amendments to the Zoning Code for Zoning Overlays), Subpart C
27 (Procedures for Rezoning and Amendments to the Zoning Code), Part 1
28 (General Provisions), Chapter 656 (Zoning Code), *Ordinance Code*, is
29 hereby amended to read as follows:

30 **CHAPTER 656 - ZONING CODE**

31 **PART 1. - GENERAL PROVISIONS**

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**SUBPART C. - PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING
CODE**

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Sec. 656.130.1 - Amendments to the Zoning Code for Zoning Overlays.

(a) It is the intent of the City of Jacksonville to permit the creation of new zoning overlays in accordance with the following circumstances:

(1) In general, when there is a special and substantial public interest in the protection of the character of an area, which could be, but is not limited to environmental or historical features, or the protection of principal views of, from, or through the areas; or

(2) In other cases where the special and substantial public interest requires modification of otherwise applicable zoning regulations, or repeal and replacement of such regulations, for the accomplishment of the special public purposes for which the zoning overlay is established.

(b) Zoning overlays will be developed through a community-led planning process that heavily engages the stakeholders (property owners, tenants, City staff, including the Office of General Counsel, the Planning and Development Department, the applicable District Council Member or Members, and others as appropriate), in the development of a proposed overlay document. Evidence of the community engagement, including but not limited to, meeting notices, sign in sheets, community meeting minutes and communications, shall be provided, along with any proposed draft overlay document and any desired accompanying maps and graphics, to the applicable District Council Member or Members and Planning and Development

Department.

Section 2. Amending Section 656.341 (Procedures), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Chapter 656 (Zoning Code), Ordinance Code. Section 656.341 (Procedures), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 3. - SCHEDULE OF DISTRICT REGULATIONS

* * *

SUBPART F. - PLANNED UNIT DEVELOPMENT

* * *

Sec. 656.341. - Procedures.

* * *

(e) *Enactment of the ordinance for a planned unit development.* Following the public hearings, as required for all applications for rezoning, the City Council may enact an ordinance, which clearly identifies and/or lists all data, exhibits, information, site plan(s), etc. being approved as part of the Planned Unit Development district, establishing a Planned Unit Development district including any conditions related thereto, based upon findings that the Planned Unit Development district will accomplish the objectives and meet the standards of the district and is consistent with the Comprehensive Plan. Any monetary contributions shall be conditions listed in the ordinance and the conditions shall contain a minimum dollar amount for such contribution, the timing of the payment, the Department responsible for accepting the payment, and the Department who will be assigned the payment, including the appropriate revenue account number

1 for the payment. Any nonmonetary contributions, including but
2 not limited to recreation facilities, shall be conditions
3 listed in the ordinance and the conditions shall contain a
4 minimum value of such nonmonetary contribution.

5 Development within a Planned Unit Development district shall
6 proceed substantially in accordance with the site plan(s), written
7 description of the intended plan of development and any conditions
8 set forth by the City Council in the ordinance which approves the
9 Planned Unit Development district.

10 (f) No Planned Unit Development shall be approved to allow a
11 deviation from any use, design element or any other
12 requirement placed on a property by an applicable zoning
13 overlay. Waivers of this prohibition shall require approval
14 by a 2/3 vote of the full Council.

15 ~~(g)~~ *(f) Modifications to a Planned Unit Development district. An*
16 *amendment to an approved Planned Unit Development district*
17 *may be accomplished through either an Administrative*
18 *Modification, Minor Modification, or by filing an application*
19 *for rezoning, meeting criteria as herein described.*

20 * * *

21 ~~(g)~~ (h) Verification of substantial compliance with the Planned Unit
22 Development district.

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24 **Section 3. Codification Instructions.** The Codifier and the
25 Office of General Counsel are authorized to make all chapter and
26 division "tables of contents" consistent with the changes set forth
27 herein. Such editorial changes and any other necessary to make the
28 *Ordinance Code* consistent with the intent of this legislation are
29 approved and directed herein, and changes to the *Ordinance Code* shall
30 be made forthwith and when inconsistencies are discovered.

31 **Section 4. Effective Date.** This Ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Jason R. Teal

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