

1 The Neighborhoods, Community Services, Public Health and Safety
2 Committee offers the following substitute to File No. 2019-879:

3
4 Introduced by Council Member Morgan:
5
6

7 **ORDINANCE 2019-879**

8 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
9 CODE), *ORDINANCE CODE*; PART 3 (SCHEDULE OF
10 DISTRICT REGULATIONS), SUBPART S (RENEW
11 ARLINGTON ZONING OVERLAY), SECTIONS 656.399.56
12 (BOUNDARIES OF ZONING OVERLAY AREA), 656.399.57
13 (APPLICABILITY), 656.399.59 (DEFINITIONS),
14 SECTION 656.399.61 (ADMINISTRATIVE
15 DEVIATIONS); CREATING NEW SECTIONS 656.399.63
16 (RENEW ARLINGTON DESIGN REVIEW ("RADR") TEAM)
17 AND 656.399.64 (RA/CRA ZONING OVERLAY
18 ADMINISTRATIVE DEVIATIONS), TO CREATE A
19 CONSOLIDATED REVIEW PROCESS WITHIN THE
20 PLANNING AND DEVELOPMENT DEPARTMENT FOR
21 PROPERTIES WITHIN THE RA/CRA ZONING OVERLAY
22 AREA THAT WERE OUT OF CONFORMANCE WITH THE
23 OVERLAY GUIDELINES FOR FENCES,
24 LANDSCAPING/LANDSCAPE BUFFERS AND SIGNAGE ON
25 JULY 1, 2019, AND ARE NOW REQUIRED TO CONFORM
26 BY A DATE CERTAIN; PROVIDING A DIRECTIVE TO
27 THE MUNICIPAL CODE CORPORATION TO INSERT A
28 DATE CERTAIN; PROVIDING AN EFFECTIVE DATE.

29
30 **BE IT ORDAINED** by the Council of the City of Jacksonville:

31 **Section 1. Chapter 656 (Zoning Code), PART 3. (SCHEDULE**

1 OF DISTRICT REGULATIONS), SUBPART S. (RENEW ARLINGTON ZONING
2 OVERLAY), *Ordinance Code, Amended*. Chapter 656 (ZONING CODE), PART
3 3. (SCHEDULE OF DISTRICT REGULATIONS), Subpart S (Renew Arlington
4 Zoning Overlay), *Ordinance Code*, is hereby amended to read as
5 follows:

6 CHAPTER 656. ZONING CODE.

7 * * *

8 PART 3. SCHEDULE OF DISTRICT REGULATIONS

9 * * *

10 SUBPART S. RENEW ARLINGTON ZONING OVERLAY

11 * * *

12 Sec. 656.399.56. - Boundaries of ~~zoning overlay area~~ Zoning
13 Overlay Area.

14 * * *

15 Sec. 656.399.57. - Applicability.

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

30 * * *

31 F. Unless otherwise specified in this Subpart, non-conforming

1 High Intensity Uses, as described in subsection 656.399.60, that
2 are located within any Character Area shall bring their existing
3 non-conforming development characteristics such as, but not
4 necessarily limited to, site layout; building form and finish
5 materials; building location; parking; lighting; walkways; and
6 screening for non-residential and multi-family uses into compliance
7 upon either: ~~reoccupation of the structure when such use ceases for~~
8 ~~more than six months; or upon a Major Renovation, as that term is~~
9 ~~defined in this Subpart.~~

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

12 2. A Major Renovation, as that term is defined in this
13 Subpart.

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

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

22 2. A Major Renovation, as that term is defined in this
23 Subpart.

24 H. Mandatory Compliance elements and deadline. ~~For purposes~~
25 ~~of the Term for mandatory compliance with these regulations for~~
26 ~~signage, screening and landscape buffers in all Character Areas,~~
27 ~~the Term shall begin on January 1, 2020 and end on December 31,~~
28 ~~2024.~~ Three elements of site improvements (Fencing,
29 Landscaping/Landscape Buffers, and Signage) make up the "Mandatory
30 Compliance elements." These elements are required to conform to
31 this Zoning Overlay by the later of December 31, 2024, or five

1 years plus 90 days after a grant program to help mitigate the cost
2 of compliance is approved by the RA/CRA Board. This Mandatory
3 Compliance is required regardless of whether the thresholds listed
4 in subsection F or G above have been met, and is required for all
5 Character Areas.

6 * * *

7 **Sec. 656.399.59. - Definitions. The definitions contained in Part**
8 **16 of the Zoning Code shall apply unless otherwise defined in this**
9 **Subpart.**

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

12 ~~1. Brewpub means a microbrewery operating in conjunction with~~
13 ~~a restaurant.~~

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

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

26 Mandatory Compliance deadline means the later of December 31,
27 2024, or five years plus 90 days after a grant program to help
28 mitigate the cost of compliance is approved by the RA/CRA
29 Board.

30 Mandatory Compliance elements means the three design standard
31 elements of Fences, Landscaping/Landscape Buffers and Signage,

1 as regulated in all Character areas, that property owners are
2 required to bring into compliance with the Zoning Overlay by
3 the Mandatory Compliance deadline.

4 4. *Mass* means the three-dimensional bulk of a structure
5 determined by the height, width, and depth.

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

13 6. *Pedestrian Scale* means the relationship between a person
14 and their surroundings, including the width of the street and
15 the height, mass, and design of surrounding buildings.

16 7. *Public Space* means public squares, greens, plazas and
17 neighborhood parks, pocket parks, riverwalks, and pedestrian
18 spaces.

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

27 RA/CRA Designer means a landscape architect, architect,
28 engineer, or other designer whose services OED will provide,
29 at no cost to the property owner, to assist the property owner
30 with design services to formulate a schematic site plan ("site
31 plan") in order redesign the site to obtain conformance with

1 the Zoning Overlay, to the extent practicable. The property
2 owner may choose to utilize the RA/CRA Designer or may use
3 their own appropriate design professional. However, in order
4 to utilize the consolidated review process of the Renew
5 Arlington Design Review team, the site plan must be reviewed
6 and approved by the RA/CRA Designer prior to submittal to the
7 RADR team.

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

14 * * *

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

16 ~~Administrative Deviations will be allowed for requests for relief~~
17 ~~from the strict application of this Subpart under the following~~
18 ~~conditions:~~

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

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

24 * * *

25 **Section 2. Creating a new Section 656.399.63 (RENEW**
26 **ARLINGTON DESIGN REVIEW ("RADR") TEAM and 656.399.64 (RA/CRA ZONING**
27 **OVERLAY ADMINISTRATIVE DEVIATIONS), Ordinance Code.** A new Section
28 656.399.63 (Renew Arlington Design Review ("RADR") Team, Chapter
29 656 (ZONING CODE), Part 3 (Schedule of District Regulations),
30 Subpart S (Renew Arlington Zoning Overlay) Ordinance Code and
31 656.399.64 (RA/CRA Zoning Overlay Administrative Deviations),

1 Chapter 656 (ZONING CODE), Part 3 (Schedule of District
2 Regulations), Subpart S (Renew Arlington Zoning Overlay) Ordinance
3 Code, is hereby created to read as follows:

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

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

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

28 B. *Members.* The Director of Planning and Development shall
29 appoint the persons holding the following positions to the RADR
30 team:

31 1. City Landscape Architect;

- 1 2. Planning Services Manager;
- 2 3. Chief of Current Planning, or their designee;
- 3 4. Senior Traffic Technician; and
- 4 5. Others as appointed by the Director as deemed necessary.

5 C. *Duties and Authority.* The RADR team may only be used by
6 property owners that are faced with meeting the standards of
7 the Mandatory Compliance elements within the Mandatory
8 Compliance deadline. However, if requested, the RADR team, at
9 their discretion, may review and comment on other elements of
10 the Zoning Overlay standards as part of the review of the
11 Mandatory Compliance elements of a parcel.

12 1. Site Plan approval. Preliminary review of the schematic
13 site plan by the RADR team is the first step. At this
14 point, the RADR team will determine whether the design:
15 (a) will require an Administrative Deviation; (b) will
16 require conventional civil plan ("10-set") review by the
17 Department due to the complexity of the design; or (c) may
18 progress to construction drawings prepared by a
19 professional for final review by the RADR team for a site
20 development permit. The RADR team may approve site plans
21 for permitting taking into consideration all requirements
22 of the Zoning Overlay including the removal and/or
23 relocation of impervious surfaces, a revision to traffic
24 circulation and number of parking spaces, while still
25 maintaining clear site triangles and general functionality
26 of the site.

27 2. Administrative Deviation staff report. If one or more
28 Administrative Deviations are required for final site plan
29 approval, the RADR team is responsible for providing a
30 staff recommendation to the Zoning Administrator
31 considering each of the RA/CRA Zoning Overlay Deviation

1 Criteria as listed in Sec. 656.399.64 as related to the
2 Mandatory Compliance element(s) at issue. If
3 Administrative Deviation(s) are required, those must be
4 sought prior to a final approval of the site plan. At
5 their discretion, if the design requires an Administrative
6 Deviation for an element or elements in addition to the
7 Mandatory Compliance elements, the RADR team may include
8 that element or elements in their staff report to the
9 Zoning Administrator.

10 3. Further review. If the design of the site is particularly
11 complex, it may become necessary for the submittal to
12 proceed through the conventional Development Services
13 Division process.

14 D. *Applicant Eligibility.* Only owners of properties which contain
15 the Mandatory Compliance elements of a Fence, Landscaping/
16 Landscape Buffer, or a Sign existing as of July 1, 2019 that is
17 not in compliance with the Zoning Overlay, or which property
18 lacks a compliant Fence, Landscaping/Landscape Buffer, or Sign
19 on July 1, 2019, are entitled to utilize the RADR team. The
20 site plan presented to the RADR team must have been prepared by
21 or approved by the RA/CRA Designer prior to submittal to the
22 RADR team.

23 E. *Development Procedure and Process for permit to bring the*
24 *Mandatory Compliance elements of Fencing, Landscaping/Landscape*
25 *Buffer and Signage into compliance.* All applicants shall
26 provide the following information to the RADR team:

27 1. A City Development Number ("CDN") may be required in order to
28 submit plans for preliminary review, but will be required for
29 submittal of plans for final review. The City Development
30 Number Request Form, available in the Concurrency and Mobility
31 Management System Handbook, must indicate in the

1 "Development/Project Name" field that this project is within
2 the Renew Arlington Zoning Overlay. The Form should be
3 submitted to the Development Services Division Concurrency and
4 Mobility Management Systems Office.

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

9 3. A boundary survey of existing property showing all buildings,
10 protected trees, and impervious areas on the subject site as
11 well as the buildings, driveways and other impervious surfaces
12 within 100 linear feet from all property lines, including the
13 right-of-way line.

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

24 5. The applicant shall provide a schematic site plan ("site
25 plan") drawn to nominal scale such as 1"=10' or 1"=20' by a
26 landscape architect, architect, engineer or other qualified
27 person. The site plan must either be prepared by or reviewed
28 by the RA/CRA Designer prior to submittal to the RADR team.

29 F. RADR preliminary review for Site Development permit.

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

1 2. The RADR team shall determine if the site plan is in
2 compliance with the Mandatory Compliance elements as they
3 apply to that particular site and the Zoning Overlay.

4 a. If the site plan is in compliance with the Zoning
5 Overlay, the property is eligible for a Site Development
6 permit relative to those elements. At this point, the
7 property owner could proceed with construction documents
8 prepared by a licensed professional for final review by
9 the RADR team and issuance of the Site Development
10 permit.

11 b. If the site plan is not in compliance with the Zoning
12 Overlay and an Administrative Deviation is required, the
13 RADR team shall prepare and forward a staff report with a
14 recommendation regarding the Administrative Deviation to
15 the Zoning Administrator regarding the Mandatory
16 Compliance elements. At their option, the RADR team may
17 also include elements additional to the Mandatory
18 Compliance elements in the report for consideration by
19 the Zoning Administrator.

20 c. The staff report shall consider each of the RA/CRA Zoning
21 Overlay Administrative Deviation Criteria for each
22 Deviation sought.

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

26 3. RADR final review for Site Development permit. If the
27 Administrative Deviation(s) is approved, at this point the
28 property owner could proceed with construction documents
29 prepared by a licensed professional for final review by the
30 RADR team and issuance of the site Development permit. If the
31 Administrative Deviation is denied, the property owner may

1 appeal pursuant to this Subpart, or significantly redesign the
2 site plan for resubmittal.

3 **Section 656.399.64. - RA/CRA Zoning Overlay Administrative**
4 **Deviations.**

5 *A. Administrative Deviation requests heard by Zoning Administrator.*

6 Pursuant to Sec. 656.101, *Ordinance Code*, an Administrative
7 Deviation may be granted by the Zoning Administrator, after due
8 notice and hearing, for a relaxation of certain Zoning Code
9 requirements. Notwithstanding items for which deviations may be
10 allowed in other areas of Jacksonville, within the Renew
11 Arlington Zoning Overlay, the Zoning Administrator may allow
12 deviations for the following:

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

1 10. Decrease lot width so long as at least 80 percent of the
2 existing context development pattern is similar.

3 B. *Review.* In order to approve a Deviation, the Zoning
4 Administrator must find in the affirmative for each of the RA/CRA
5 Zoning Overlay Deviation Criteria below and report on the balance
6 between the interest of the public, the property owner, and the
7 community.

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

9 1. There are unique site characteristics such as parcel
10 shape, location, existing utility easements, etc. that
11 prevent development consistent with the Zoning Overlay
12 Regulations.

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

16 3. The proposed Deviation will not diminish property
17 values in the area surrounding the site and will not
18 interfere with or injure the rights of adjacent
19 properties but would accomplish an additional public
20 benefit;

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

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

25 D. *Appeals of Zoning Administrator's Decision on Administrative*
26 *Deviation.* Appeals from the decision of the Zoning Administrator
27 on a property within the RA/CRA Zoning Overlay Area shall not be
28 to the Planning Commission, but rather to the City Council.

29 1. *Standing.* The Applicant or any other adversely affected
30 person may appeal a final written decision of the Zoning
31 Administrator.

1 2. *Notice.* Notice of Appeal shall be provided to the Legislative
2 Services Division within 14 days of the effective date of the
3 written decision, and shall be accompanied by a filing fee as
4 found in www.coj.net/fees, together with a notification fee
5 for each required notification. The Notice of Appeal shall be
6 in a form created by the Planning and Development staff in
7 consultation with the Office of General Counsel.

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

10 a. The applicable design criteria contained in the Zoning
11 Overlay were properly applied by the Zoning
12 Administrator;

13 b. The decision was supported by competent, substantial
14 evidence; and

15 c. Procedural due process was afforded.

16 4. *Procedural Matters.* The appellate procedure in Sec. 656.142,
17 Ordinance Code, shall be followed. The Council shall have the
18 authority to:

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

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

24 c. Grant withdrawal requests by the appellant;

25 d. Enter into settlement agreements regarding the matter
26 appealed, so long as there is no financial impact to the
27 City; and

28 e. Individually view the property which is the subject of
29 the appeal.

30 5. *Decision.* The Council may affirm or reverse each written
31 decision, or it may remand the matter back to the Zoning

1 Administrator with specific instructions for further action. The
2 Council's decision shall be reduced to writing and shall become
3 effective upon filing the decision with Legislative Services.

4 E. *Appeal of City Council decision to the Courts.* The decision of
5 the City Council constitutes the final agency action of the City
6 of Jacksonville relative to the request. These decisions may be
7 challenged by any person with standing as authorized by state
8 law.

9 F. *Return of fees and notice cost.* If the Administrative Deviation
10 is approved upon appeal to either the City Council or Court, the
11 property owner is entitled to the return of the City filing fee
12 and notice costs for the appeal from the agency or division
13 collecting the fees.

14 **Section 3. Directive to the Municipal Code Corporation.**

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

21 **Section 4. Effective Date.** This ordinance shall become

22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24 Form Approved:

25 /s/ Susan C. Grandin

26 Office of General Counsel

27 Legislation Prepared By: Susan C. Grandin

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