

1 Introduced by Council Member Morgan & Co-Sponsored by Council
2 Members Carlucci, Salem and Becton and substituted by the
3 Neighborhoods, Community Services, Public Health and Safety
4 Committee and amended by the Land Use and Zoning Committee:
5
6

7 **ORDINANCE 2019-879-E**

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:

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

7 **CHAPTER 656. ZONING CODE.**

8 * * *

9 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

10 * * *

11 **SUBPART S. RENEW ARLINGTON ZONING OVERLAY**

12 * * *

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

15 * * *

16 **Sec. 656.399.57. - Applicability.**

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

* * *

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

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

14 2. A Major Renovation, as that term is defined in this
15 Subpart.

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

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

24 2. A Major Renovation, as that term is defined in this
25 Subpart.

26 H. Mandatory Compliance elements and deadline. ~~For purposes~~
27 ~~of the Term for mandatory compliance with these regulations for~~
28 ~~signage, screening and landscape buffers in all Character Areas,~~
29 ~~the Term shall begin on January 1, 2020 and end on December 31,~~
30 ~~2024.~~ Three elements of site improvements (Fencing,

1 Landscaping/Landscape Buffers, and Signage) make up the "Mandatory
2 Compliance elements." These elements are required to conform to
3 this Zoning Overlay by the later of December 31, 2024, or five
4 years plus 90 days after a grant program to help mitigate the cost
5 of compliance is approved by the RA/CRA Board. This Mandatory
6 Compliance is required regardless of whether the thresholds listed
7 in subsection F or G above have been met, and is required for all
8 Character Areas.

9 * * *

10 **Sec. 656.399.59. - Definitions. The definitions contained in Part**
11 **16 of the Zoning Code shall apply unless otherwise defined in this**
12 **Subpart.**

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

15 ~~1. Brewpub means a microbrewery operating in conjunction with~~
16 ~~a restaurant.~~

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

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

29 Mandatory Compliance deadline means the later of December 31,
30 2024, or five years plus 90 days after a grant program to help

1 mitigate the cost of compliance is approved by the RA/CRA
2 Board.

3 Mandatory Compliance elements means the three design standard
4 elements of Fences, Landscaping/Landscape Buffers and Signage,
5 as regulated in all Character areas, that property owners are
6 required to bring into compliance with the Zoning Overlay by
7 the Mandatory Compliance deadline.

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

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

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

20 7. *Public Space* means public squares, greens, plazas and
21 neighborhood parks, pocket parks, riverwalks, and pedestrian
22 spaces.

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

1 RA/CRA Designer means a landscape architect, architect,
2 engineer, or other designer whose services OED will provide,
3 at no cost to the property owner, to assist the property owner
4 with design services to formulate a schematic site plan ("site
5 plan") in order redesign the site to obtain conformance with
6 the Zoning Overlay, to the extent practicable. The property
7 owner may choose to utilize the RA/CRA Designer or may use
8 their own appropriate design professional. However, in order
9 to utilize the consolidated review process of the Renew
10 Arlington Design Review team, the site plan must be reviewed
11 and approved by the RA/CRA Designer prior to submittal to the
12 RADR team.

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

19 * * *

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

21 ~~Administrative Deviations will be allowed for requests for relief~~
22 ~~from the strict application of this Subpart under the following~~
23 ~~conditions:~~

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

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

29 * * *

30 **Section 2. Creating a new Section 656.399.63 (RENEW**

1 **ARLINGTON DESIGN REVIEW ("RADR") TEAM and 656.399.64 (RA/CRA ZONING**
2 **OVERLAY ADMINISTRATIVE DEVIATIONS), Ordinance Code.** A new Section
3 656.399.63 (Renew Arlington Design Review ("RADR") Team, Chapter
4 656 (ZONING CODE), Part 3 (Schedule of District Regulations),
5 Subpart S (Renew Arlington Zoning Overlay) *Ordinance Code* and
6 656.399.64 (RA/CRA Zoning Overlay Administrative Deviations),
7 Chapter 656 (ZONING CODE), Part 3 (Schedule of District
8 Regulations), Subpart S (Renew Arlington Zoning Overlay) *Ordinance*
9 *Code*, is hereby created to read as follows:

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

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

23 Property owners with sites that were not in conformance as of
24 July 1, 2019 with any of the three Mandatory Compliance
25 elements may apply for a RA/CRA Mandatory Compliance Grant and
26 may avail themselves of the RA/CRA Designer. The property
27 owner may choose to utilize the RA/CRA Designer or may use
28 their own appropriate design professional. However, in order
29 to utilize the RADR team process, the site plan must be
30 reviewed and approved by the RA/CRA Designer prior to submittal

1 to the RADR team. The RADR team will provide a consolidated
2 review of the site design regarding the Mandatory Compliance
3 elements within the context of the Zoning Overlay.

4 B. *Members.* The Director of Planning and Development shall
5 appoint the persons holding the following positions to the RADR
6 team:

- 7 1. City Landscape Architect;
- 8 2. Planning Services Manager;
- 9 3. Chief of Current Planning, or their designee;
- 10 4. Senior Traffic Technician; and
- 11 5. Others as appointed by the Director as deemed necessary.

12 C. *Duties and Authority.* The RADR team may only be used by
13 property owners that are faced with meeting the standards of
14 the Mandatory Compliance elements within the Mandatory
15 Compliance deadline. However, if requested, the RADR team, at
16 their discretion, may review and comment on other elements of
17 the Zoning Overlay standards as part of the review of the
18 Mandatory Compliance elements of a parcel.

- 19 1. Site Plan approval. Preliminary review of the schematic
20 site plan by the RADR team is the first step. At this
21 point, the RADR team will determine whether the design:
22 (a) will require an Administrative Deviation; (b) will
23 require conventional civil plan ("10-set") review by the
24 Department due to the complexity of the design; or (c) may
25 progress to construction drawings prepared by a
26 professional for final review by the RADR team for a site
27 development permit. The RADR team may approve site plans
28 for permitting taking into consideration all requirements
29 of the Zoning Overlay including the removal and/or
30 relocation of impervious surfaces, a revision to traffic

1 circulation and number of parking spaces, while still
2 maintaining clear site triangles and general functionality
3 of the site.

4 2. Administrative Deviation staff report. If one or more
5 Administrative Deviations are required for final site plan
6 approval, the RADR team is responsible for providing a
7 staff recommendation to the Zoning Administrator
8 considering each of the RA/CRA Zoning Overlay Deviation
9 Criteria as listed in Sec. 656.399.64 as related to the
10 Mandatory Compliance element(s) at issue. If
11 Administrative Deviation(s) are required, those must be
12 sought prior to a final approval of the site plan. At
13 their discretion, if the design requires an Administrative
14 Deviation for an element or elements in addition to the
15 Mandatory Compliance elements, the RADR team may include
16 that element or elements in their staff report to the
17 Zoning Administrator.

18 3. Further review. If the design of the site is particularly
19 complex, it may become necessary for the submittal to
20 proceed through the conventional Development Services
21 Division process.

22 D. *Applicant Eligibility.* Only owners of properties which contain
23 the Mandatory Compliance elements of a Fence, Landscaping/
24 Landscape Buffer, or a Sign existing as of July 1, 2019 that is
25 not in compliance with the Zoning Overlay, or which property
26 lacks a compliant Fence, Landscaping/Landscape Buffer, or Sign
27 on July 1, 2019, are entitled to utilize the RADR team. The
28 site plan presented to the RADR team must have been prepared by
29 or approved by the RA/CRA Designer prior to submittal to the
30 RADR team.

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

5 1. A City Development Number ("CDN") may be required in order to
6 submit plans for preliminary review, but will be required for
7 submittal of plans for final review. The City Development
8 Number Request Form, available in the Concurrency and Mobility
9 Management System Handbook, must indicate in the
10 "Development/Project Name" field that this project is within
11 the Renew Arlington Zoning Overlay. The Form should be
12 submitted to the Development Services Division Concurrency and
13 Mobility Management Systems Office.

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

18 3. A boundary survey of existing property showing all buildings,
19 protected trees, and impervious areas on the subject site as
20 well as the buildings, driveways and other impervious surfaces
21 within 100 linear feet from all property lines, including the
22 right-of-way line.

23 4. If impervious areas are to be added, relocated, or rebuilt
24 which would likely effect current drainage patterns, the
25 applicant must also provide a topographical survey and site
26 design drawings prepared by an appropriate registered
27 professional which shall include, as a minimum, storm drainage
28 systems consistent with the City's Land Development Procedures
29 Manual, City of Jacksonville ordinances, and the St. Johns
30 River Water Management District requirements. The RADR team

1 has the discretion to request additional information relative
2 to the design.

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

8 F. RADR preliminary review for Site Development permit.

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

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

14 a. If the site plan is in compliance with the Zoning
15 Overlay, the property is eligible for a Site Development
16 permit relative to those elements. At this point, the
17 property owner could proceed with construction documents
18 prepared by a licensed professional for final review by
19 the RADR team and issuance of the Site Development
20 permit.

21 b. If the site plan is not in compliance with the Zoning
22 Overlay and an Administrative Deviation is required, the
23 RADR team shall prepare and forward a staff report with a
24 recommendation regarding the Administrative Deviation to
25 the Zoning Administrator regarding the Mandatory
26 Compliance elements. At their option, the RADR team may
27 also include elements additional to the Mandatory
28 Compliance elements in the report for consideration by
29 the Zoning Administrator.

30 c. The staff report shall consider each of the RA/CRA Zoning

1 Overlay Administrative Deviation Criteria for each
2 Deviation sought.

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

6 3. RADR final review for Site Development permit. If the
7 Administrative Deviation(s) is approved, at this point the
8 property owner could proceed with construction documents
9 prepared by a licensed professional for final review by the
10 RADR team and issuance of the site Development permit. If the
11 Administrative Deviation is denied, the property owner may
12 appeal pursuant to this Subpart, or significantly redesign the
13 site plan for resubmittal.

14 **Section 656.399.64. - RA/CRA Zoning Overlay Administrative**
15 **Deviations.**

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

17 Pursuant to Sec. 656.101, *Ordinance Code*, an Administrative
18 Deviation may be granted by the Zoning Administrator, after due
19 notice and hearing, for a relaxation of certain Zoning Code
20 requirements. Notwithstanding items for which deviations may be
21 allowed in other areas of Jacksonville, within the Renew
22 Arlington Zoning Overlay, the Zoning Administrator may allow
23 deviations for the following:

- 24 1. Reduce minimum lot area, unless the property is a High
25 Intensity Use as described in this Zoning Overlay;
- 26 2. Reduce required yards;
- 27 3. Reduce the minimum number of required off-street parking
28 spaces, so long as the landscaping requirements of this Zoning
29 Overlay are fully met;
- 30 4. Reduce the minimum landscaping requirements;

- 1 5. Increase the maximum lot coverage;
- 2 6. Adjust required driveway aisle widths, parking stall
3 dimensions, and allow tandem parking;
- 4 7. Consider on-street parking to meet parking requirements;
- 5 8. Increase the allowable maximum height of structures, including
6 fences, but not signs;
- 7 9. Increase the maximum number of off-street parking spaces so
8 long as the landscaping is not also reduced, and either a
9 professional study indicating that more spaces are warranted
10 is performed and approved by the Department, or the request is
11 consistent with the current edition of the ITE parking
12 Generation Manual; and
- 13 10. Decrease lot width so long as at least 80 percent of the
14 existing context development pattern is similar.

15 B. *Review.* In order to approve a Deviation, the Zoning
16 Administrator must find in the affirmative for each of the RA/CRA
17 Zoning Overlay Deviation Criteria below and report on the balance
18 between the interest of the public, the property owner, and the
19 community.

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

- 21 1. There are extraordinary or special conditions
22 affecting the land involved such that strict
23 application of the provisions of this Zoning Overlay
24 will have a material negative impact on the viability
25 of the business, or unreasonably restrict the
26 utilization of the property, both existing as of July
27 1, 2019;
- 28 2. There are unique site characteristics such as parcel
29 shape, location, existing utility easements, etc.
30 that prevent development consistent with the Zoning

1 Overlay Regulations;

2 3. Granting the deviation would not substantially
3 conflict with the intent of this Zoning Overlay;

4 4. The proposed deviation will not diminish property
5 values in the area surrounding the site and will not
6 interfere with or injure the rights of adjacent
7 properties, but would accomplish an additional public
8 benefit;

9 5. The unique circumstances on the property, existing as
10 of July 1, 2019, were not created by the owner of the
11 property, and the need for the deviation is not based
12 on a change of use or intensification of use.

13 6. The requested relief is the minimum adjustment
14 necessary.

15 7. Granting the deviation will not be detrimental to the
16 public health, safety, or welfare, or injurious to
17 other property in the area, or to the City in
18 administering this Overlay.

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

23 1. *Standing.* The Applicant or any other adversely affected
24 person may appeal a final written decision of the Zoning
25 Administrator.

26 2. *Notice.* Notice of Appeal shall be provided to the Legislative
27 Services Division within 14 days of the effective date of the
28 written decision, and shall be accompanied by a filing fee as
29 found in www.coj.net/fees, together with a notification fee
30 for each required notification. The Notice of Appeal shall be

1 in a form created by the Planning and Development staff in
2 consultation with the Office of General Counsel.

3 3. *Standard of Review.* The Council's review of the appeal shall
4 be a *de novo* review, without giving deference or weight to
5 the decision of Zoning Administrator. The Council shall have
6 the benefit of the record below and may include the same in
7 its review as well as applicable law and additional testimony
8 and evidence. The record shall include all evidence and
9 testimony presented to the Zoning Administrator. The Council
10 may affirm, reverse or modify each written decision or it may
11 remand the matter back to the Zoning Administrator with
12 specific instructions for further action, by adopting a
13 written order.

14 4. *Procedural Matters.* The Council shall have the authority to:

- 15 a. Accept briefs and other papers to be filed on behalf of
16 any party, provided all papers are submitted at or prior
17 to the Land Use and Zoning public hearing;
- 18 b. Hear oral argument on behalf of any party;
- 19 c. 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 d. Dispose of procedural requests or similar matters
23 including motions to amend and motions to consolidate;
- 24 e. Keep a record of all persons requesting notice of the
25 decision in each case;
- 26 f. Grant withdrawal requests by the appellant; and
- 27 g. Enter into settlement agreements regarding the matter
28 appealed, so long as there is no financial impact to the
29 City.
- 30 h. Individually view the property which is the subject of

1 the appeal.

2 i. Adopt appellate procedures similar to the procedures
3 outlined in sections 656.141 and 656.142, Ordinance Code

4 5. *Decision.* The Council may affirm or reverse each written
5 decision, or it may remand the matter back to the Zoning
6 Administrator with specific instructions for further action. The
7 Council's decision shall be reduced to writing and shall become
8 effective upon filing the decision with Legislative Services.

9 E. *Appeal of City Council decision to the Courts.* The decision of
10 the City Council constitutes the final agency action of the City
11 of Jacksonville relative to the request. These decisions may be
12 challenged by any person with standing as authorized by state
13 law.

14 F. *Return of fees and notice cost.* If the Administrative Deviation
15 is approved upon appeal to either the City Council or Court, the
16 property owner is entitled to the return of the City filing fee
17 and notice costs for the appeal from the agency or division
18 collecting the fees.

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

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

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

27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1
2
3
4
5
6
7

Form Approved:

/s/ Susan C. Grandin

Office of General Counsel

Legislation Prepared By: Susan C. Grandin

GC-#1343259-v1-2019-879-E.docx